

ADMINISTRATIVE PANEL DECISION

LyondellBasell Industries Holdings B.V. v. Gavinis Medly, Gavinis INC
Case No. DCO2026-0057

1. The Parties

The Complainant is LyondellBasell Industries Holdings B.V., Netherlands (Kingdom of the), represented by Barzanò & Zanardo Milano SpA, Italy.

The Respondent is Gavinis Medly, Gavinis INC, Netherlands (Kingdom of the).

2. The Domain Name and Registrar

The disputed domain name <lyondellbasell.co> (hereinafter: the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 23, 2026. On July 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 24, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 3, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on August 4, 2026.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 21, 2026.

The Center appointed Gregor Vos as the sole panelist in this matter on September 24, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is part of the LyondellBasell Group, a multinational company active in the plastics, chemicals and refining industries. The Complainant has over 20,300 employees around the world, manufactures in 20 countries and its products are sold in over 100 countries.

The Complainant is the owner of, inter alia, the following trademark registrations (hereinafter referred to as: the "Trademarks"):

- European Union Trade Mark No. 006943518 for LYONDELLBASELL (word), registered on January 21, 2009; 
- United States Registration No. 5096173 for  (figurative), registered on December 6, 2016.

Furthermore, LyondellBasell Industries N.V. (a company belonging to the same group) is the owner of the domain name <lyondellbasell.com>, registered on 23 October 2007.

The Domain Name was registered on 3 March 2026. At the time of the filing of the Complaint, the Domain Name did not resolve to an active website, but MX records were configured for the Domain Name. At the time of this Decision, the Domain Name still does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, the Complainant contends that the Domain Name is identical or at least confusingly similar to the Trademarks of the Complainant, the Respondent has no rights or legitimate interests in the Domain Name, and the Domain Name has been registered and is being used in bad faith.

Firstly, according to the Complainant, the Domain Name is identical to the Trademarks as it includes the Trademarks in their entirety. The Top-Level Domain ("TLD") ".co" is merely a standard registration requirement and should therefore be disregarded under the first element.

Secondly, the Complainant asserts that the Respondent has no rights or legitimate interests in the Domain Name. The Respondent has not been authorized by the Complainant to use the Trademarks and there is no evidence that the Respondent is commonly known by the Domain Name. The Complainant further submits that LYONDELLBASELL is a fanciful term, which strengthens the assumption that the Respondent was aware of the Trademarks. Furthermore, the Domain Name has been configured with MX records. According to the Complainant, this indicates that the Domain Name may be intended for phishing or storage spoofing activities and does not constitute legitimate use of the Domain Name.

Finally, the Complainant contends that the Respondent has registered and is using the Domain Name in bad faith. The Trademarks predate the registration of the Domain Name. Given the reputation and the distinctive character of the Trademarks and the fact that the Domain Name is identical to the Trademarks, the Complainant submits that the Respondent must have been aware of the Complainant's rights. The Complainant further refers to the configured MX records which indicate that the Domain Name may be used for fraudulent email communications, including phishing or storage spoofing.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

- i. the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- ii. the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- iii. the Domain Name has been registered and is being used in bad faith.

Only if all three elements have been fulfilled, the Panel is able to grant the remedies requested by the Complainant. The Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

It is established that the TLD ".co" in the Domain Name is viewed as a standard registration requirement and as such disregarded under the first element of confusing similarity. [WIPO Overview 3.1](#), section 1.11.

The entirety of the mark is reproduced within the Domain Name. Considering that the TLD ".co" is disregarded under the first element, the Domain Name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of the Domain Name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith.

[WIPO Overview 3.1](#), section 3.2.1.

In the present case, the Panel notes that the Trademarks predate the registration of the Domain Name. The Panel further notes the distinctive character of the Trademarks and that the Domain Name is identical to the Trademarks. In these circumstances, the Panel finds it unlikely that the Respondent registered the Domain Name without knowledge of the Complainant and its Trademarks.

The Panel further notes that MX records have been configured for the Domain Name. While the configuration of MX records does not establish that the Domain Name has actually been used for phishing or fraudulent activity, it gives rise to a risk that the Domain Name may be used for fraudulent email communications and further supports a finding of bad faith.

In addition, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. In looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy.

In view of the distinctiveness of the Trademarks, the identical composition of the Domain Name, the Respondent’s failure to submit a Response, the configuration of MX records, and the absence of any conceivable good faith use of the Domain Name, the Panel finds from the present circumstances that the Respondent has intentionally sought to take unfair advantage of or otherwise abuse the Trademarks.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <lyondellbasell.co> be transferred to the Complainant.

/Gregor Vos/

Gregor Vos

Sole Panelist

Date: October 8, 2026