

ADMINISTRATIVE PANEL DECISION

Solvay SA v. Domain Administrator, See PrivacyGuardian.org / gddfgfdg, lufei gfdgfd

Case No. D2022-1781

1. The Parties

The Complainant is Solvay SA, Belgium, internally represented.

The Respondent is Domain Administrator, See PrivacyGuardian.org, United States of America (“United States”) / gddfgfdg, lufei gfdgfd, United States.

2. The Domain Name and Registrar

The disputed domain name <slovay.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 17, 2022. On May 18, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 18, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 27, 2022, 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 June 2, 2022.

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 June 3, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 30, 2022.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on July 4, 2022. 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 in this proceeding is a global science company specializing in high-performance polymers and composite technologies, and is a leader in chemicals. The Complainant's group was founded in 1863, has its registered offices in Brussels and employs more than 23,000 people in 64 countries. Its net sales were EUR 8.9 billion in 2020.

The Complainant, has proven to be the owner *inter alia* of:

SOLVAY, European Union word mark No. 000067801, registered on May 30, 2000;
SOLVAY, European Union word mark No. 011664091, registered on August 13, 2013;
SOLVAY, International word mark No. 1171614, registered on February 28, 2013, covering numerous countries including the United States, where the Respondent appears to reside.

The disputed domain name was registered on May 13, 2022.

The disputed domain name resolves to a webpage stating "This domain is parked free of charge with NameSilo.com". Furthermore, a "Submit Offer" section is available in order to allow people to submit an offer to purchase the disputed domain name.

The Complainant's trademark registrations predate the registration of the disputed domain name.

5. Parties' Contentions

A. Complainant

The Complainant claims that the disputed domain name is confusingly similar to the Complainant's registered trademark; that the Respondent has no rights or legitimate interests whatsoever with respect to the disputed domain name; and that the Respondent registered and is using the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established rights in the SOLVAY trademark.

The disputed domain name consists of a small variation of the Complainant's trademark. Specifically, the positions of the letters "o" and "l" are switched. The Panel agrees with the Complainant's assertion that this is a typical case of typo-squatting, where the Respondent relies upon Internet users' mistakes in typing to redirect them to its website rather than to the Complainant's official website.

The generic Top-Level Domain ("gTLD") ".com" is generally disregarded under the test for confusing similarity for the purposes of the Policy, and the inversion of the positions of the letter "o" with the letter "l" in the disputed domain name is insufficient in itself to avoid a finding of confusing similarity under the first element of the UDRP. In this sense WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9, states: "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element."

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent has no connection to or affiliation with the Complainant and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant's trademark. The Respondent does not appear to be commonly known by the name "slovay" or by a similar name. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services.

Finally, the Respondent has not replied to the Complainant's contentions, alleging any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Based on the evidence put forward by the Complainant, the Panel is of the opinion that the Respondent was aware of the Complainant's trademark rights when it registered the disputed domain name.

The Complainant's trademark has been registered and used for many years and is a renowned trademark.

In addition, the Respondent's knowledge of the Complainant's trademark is particularly obvious, given that the Respondent, on the balance of probability, is using a slight variation of the Complainant's trademark (*i.e.* a typo) to mislead Internet users for its own benefit.

Hence, the registration of the disputed domain name does not seem to be a coincidence, and thus indicates that the Respondent knew of the Complainant's trademarks and intentionally intended to create an association with the Complainant at the time of the registration of the disputed domain name.

Inference supporting a finding of bad faith can also be found in the failure to respond to the Complainant's claims made in this proceeding, noting the Complainant's allegations, and that the disputed domain name seems to be a typosquatting version of the Complainant's trademark.

Another additional factor supporting the conclusion of bad faith registration and use of the disputed domain name is given by the fact that the Respondent deliberately chose to conceal its identity by means of a

privacy protection service. In addition, it appears that the address provided by the Respondent to the Registrar is at best incorrect, noting the failure of the Written Notice to it. While the use of a privacy or proxy registration service is not in and of itself an indication of bad faith, it is the Panel's opinion that in the present case the use of a privacy shield, combined with the elements discussed herein, amounts to a further inference of bad faith registration and use.

Finally, the disputed domain name does not resolve to an active website. Under the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith registration and use.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith.

Therefore, the Complainant has satisfied paragraph 4(a)(iii) 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 disputed domain name, <slovak.com>, be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: July 18, 2022