

ADMINISTRATIVE PANEL DECISION

Solvay SA v. jugs logs
Case No. D2023-0493

1. The Parties

The Complainant is Solvay SA, Belgium, represented by PETILLION, Belgium.

The Respondent is jugs logs, United States of America (the “US”).

2. The Domain Name and Registrar

The disputed domain name <solvay.cam> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 2, 2023. On February 2, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 2, 2023, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 3, 2023 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 amended Complaint on February 3, 2023.

The Center verified that the Complaint together with the amended 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 February 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 2, 2023.

The Center appointed Taras Kyslyy as the sole panelist in this matter on March 8, 2023. 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 a global science company specialized in high-performance polymers and composites technologies. The Complainant's group was founded 1863, has its registered offices in Brussels and employs more than 21,000 people in 63 countries, including in the US. Its net sale was EUR 10,1 billion in 2021.

The Complainant owns registrations for its SOLVAY trademark in various jurisdictions, including for instance the European Union trademark registration No. 000067801, registered on May 30, 2000.

The Complainant is using its trademark extensively, including in social media, and it has been recently ranked for several years in the top 10 most powerful and valuable Belgian brands. The Complainant's trademark's value was estimated at EUR 795 million in 2020.

The Complainant owns the domain name <solway.com> since 1995, and uses it to refer to its official website and for its internal mailing system.

The disputed domain name was registered on October 24, 2022 and does not resolve to any active website. The email function of the disputed domain name has been enabled.

5. Parties' Contentions

A. Complainant

The disputed domain name is identical to the Complainant's trademark. The ".cam" Top-Level Domain (TLD) does not prevent a finding of identity or confusing similarity under the Policy.

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name. The Whois records indicated on January 15, 2023 that the Respondent's organization is "Privacy service provided by Withheld for Privacy ehf". The Respondent thus deliberately uses a privacy/proxy service aimed at hiding his/her real identity and contact information. This shows that Respondent is not commonly known by the disputed domain name. Indeed, should the Respondent be known by the disputed domain name, there would be no need for Respondent to shield its identity. On February 3, 2023, the Complainant has been informed by the Center that the Respondent is named "jugs logs", which does not seem to be a real name. Moreover, the Respondent's physical address seems false as well, as "alabama" is not a city but a US state and "AK" is the abbreviation for a totally different state (Alaska). The provided postal code refers to yet another state (Virginia). This shows that the Respondent used fake contact details, which further confirms that the Respondent is not commonly known by the disputed domain name. The Respondent has not acquired trademark or service mark rights and the Respondent's use and registration of the disputed domain name was not authorized by the Complainant. In the absence of any license or permission from the Complainant to use its widely-known trademark, no actual or contemplated *bona fide* or legitimate use of the disputed domain name could reasonably be claimed. The disputed domain name identical to the Complainant's trademark carries a high risk of implied affiliation. The disputed domain name incorporates the distinctive and well-known Complainant's trademark and company name of the Complainant in its entirety without any addition but the ".cam" TLD. This TLD even increases the risk for confusion as it is highly similar to the Complainant's <solway.com> domain name, which is used to refer to the Complainant's official website and for its internal mailing system. Therefore, the disputed domain name impersonates or at least suggests sponsorship or endorsement by the Complainant and cannot constitute *bona fide* or even fair use. Given that the disputed domain name is identical to the Complainant's company name and trademark and is highly similar to the Complainant's main domain name, it is inconceivable that any good faith use would be made by the Respondent. The disputed domain name is confusing as Internet users will directly link it to the Complainant.

The disputed domain name was registered and is being used in bad faith. At the time Respondent registered the disputed domain name, the Respondent must have known the Complainant and its trademarks. The disputed domain name is identical to the Complainant's distinctive trademark and the TLD does nothing to avoid any confusion, quite the contrary. The Complainant and its trademarks are well known all over the world, including in the US where the Respondent appears to be located. Some of the Complainant's trademarks were registered more than 20 years before the disputed domain name. The Complainant has numerous offices, production sites and research & innovation centers in the US. A simple search on the Internet would have revealed the Complainant's presence, reputation and trademarks. Previous panels have already acknowledged the well-known and distinctive character of the Complainant's trademark. Thus, it is inconceivable that the Respondent was unaware of the Complainant and its trademark rights at the time of registration of the disputed domain name. By registering the disputed domain name, the Respondent prevents the Complainant from reflecting its trademark in a corresponding domain name. The effect of the registration is to affect the business of the Complainant by attracting visitors looking for information about the Complainant or its marks and creating difficulties for persons searching the Internet. The mere registration of the disputed domain name that is identical to the widely-known Complainant's trademark by an unaffiliated entity can by itself create a presumption of bad faith. The disputed domain name currently does not resolve to an active website. Under the circumstances of the case, the passive holding of a domain name can amount to bad faith registration and use. It is impossible to imagine any plausible legitimate use of the disputed domain name by the Respondent, especially in view of the global reach of the Complainant and the distinctive character of its trademark. Moreover, it cannot be excluded that the Respondent uses or will use the disputed domain name for fraudulent activity, e.g., by profiting of the likelihood of confusion with the Complainant's trademark for phishing activities. The email function of the disputed domain name is enabled. In view of the Complainant's size and wide range of activities, there is a high risk related to such a fraudulent use of the disputed domain name. This is especially so since the disputed domain name is identical to the Complainant's trademark. Given the use of the ".cam" TLD, the disputed domain name is clearly confusing as Internet users can directly link it to the Complainant's main website and mailing system linked to the domain name <solvay.com>. The Respondent uses the disputed domain name in an intentional attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location. The Respondent used a privacy service when registering the disputed domain name, thus took active steps to conceal his/her identity. In combination with the above, this supports the proof of bad faith registration and use of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

According to section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "[WIPO Overview 3.0](#)") the applicable generic Top-Level Domain ("gTLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Thus, the Panel disregards TLD ".cam" for the purposes of the confusing similarity test.

According to section 1.7 of the [WIPO Overview 3.0](#) in cases where a domain name incorporates the entirety of a trademark the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing. The Panel finds that in the present case the disputed domain name incorporates the entirety of the Complainant's trademark with no other additions.

Considering the above the Panel finds the disputed domain name is identical to the Complainant's trademark, therefore, the Complainant has established its case under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has established *prima facie* that the Respondent has no rights or legitimate interests in the disputed domain name.

Furthermore, the Respondent provided no evidence that it holds rights or legitimate interests in the disputed domain name.

The available evidence confirm that the Respondent is not commonly known by the disputed domain name, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones, TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent, thus no actual or contemplated *bona fide* or legitimate use of the disputed domain name could be reasonably claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)).

The Respondent has no right or legitimate interests in the disputed domain name resolving to an inactive website (see, e.g., *Philip Morris USA Inc. v. Daniele Tornatore*, WIPO Case No. [D2016-1302](#)).

Noting the high risk of implied affiliation between the disputed domain name and the identical well-known trademark of the Complainant increased by the addition of the TLD ".cam" making it similar to the Complainant's official domain name <solway.com>, the Panel finds that there is no plausible fair use to which the disputed domain name could be put that would not have the effect of being somehow connected to the Complainant (see, e.g., *Instagram, LLC v. Super Privacy Service LTD c/o Dynadot / Zayed*, WIPO Case No. [D2019-2897](#)).

Considering the above the Panel finds the Respondent does not have rights or legitimate interests in the disputed domain name. Therefore, the Complainant has established its case under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

According to section 3.2.2 of the [WIPO Overview 3.0](#) noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark, panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen TLD, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark. The Panel finds that the nature of the disputed domain name being identical to the Complainant's widely-known trademark and also most probably attempting to mock the Complainant's domain name <solway.com> by using TLD ".cam" for the disputed domain name confirms the Respondent knew and targeted the Complainant and its trademark when registering the disputed domain name, which is bad faith.

According to section 3.1.4 of the [WIPO Overview 3.0](#) the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is convinced that the Complainant's trademark is well established through long and widespread use and the Complainant has acquired a significant reputation and level of goodwill in its trademark internationally, including in the US. Thus, the Panel finds that the disputed domain name identical to the Complainant's trademark was registered in bad faith.

According to section 3.3 of the [WIPO Overview 3.0](#) from the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. In this regard the Panel takes into account (i) the high degree of distinctiveness and reputation of the Complainant’s trademark, (ii) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the Respondent’s concealing its identity while registering the disputed domain name, and (iv) the implausibility of any good faith use to which the disputed domain name may be put, and the Panel thus finds bad faith under the passive holding doctrine.

Considering the above the Panel finds the disputed domain name was registered and is being used in bad faith. Therefore, the Complainant has established its case under 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 <solvay.cam> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: March 17, 2023