

ADMINISTRATIVE PANEL DECISION

SOLVAY Société Anonyme v. Meriot Ongloo

Case No. D2023-2053

1. The Parties

Complainant is SOLVAY Société Anonyme, Belgium, represented by PETILLION, Belgium.

Respondent is Meriot Ongloo, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <solvayltd.com> (the “Domain Name”) 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 9, 2023. On May 9, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 26, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from named Respondent (PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to Complainant on May 9, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 26, 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 Respondent of the Complaint, and the proceedings commenced on May 30, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 19, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 6, 2023.

The Center appointed Clive L. Elliott, K.C., as the sole panelist in this matter on July 17, 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

Complainant is a global science company specialising in high-performance polymers and composites technologies, and a leader in chemicals. Complainant's group was founded in 1863, has its registered offices in Brussels and employs 22,000 people in 61 countries.

Complainant is the registered owner of numerous trade mark registrations (referred to as "Complainant's Mark"), including:

Trade Mark	Jurisdiction	Registration No.	Registration date
SOLVAY	European Union	000067801	May 30, 2000
SOLVAY	European Union	011664091	August 13, 2013
SOLVAY	International	1171614	February 28, 2013
SOLVAY	United Kingdom	UK00900067801	May 30, 2000

Complainant has since 1995, been the registered owner of the domain name <solvay.com>, which it uses to refer to its official website and for its internal mailing system.

According to the publicly available Whois the Domain Name was registered on May 2, 2023, and as at the date of the Complaint it resolved to an inactive website and currently resolves to a blocked web page.

5. Parties' Contentions

A. Complainant

Complainant contends that Complainant's Mark is well-known worldwide due to its international presence and its marketing investments.

Complainant contends that the Domain Name is confusingly similar to Complainant's Mark as it contains Complainant's Mark in its entirety, with the addition of the descriptive term "ltd", the common abbreviation for a "limited" company.

Complainant asserts that Respondent has chosen to use a privacy/proxy service in the registration of the Domain Name thereby hiding his/her real identity and contact information. Complainant contends that this shows that Respondent is not commonly known by the Domain Name. Further, Complainant states that it has not authorised Respondent to use Complainant's Mark. Complainant could not find any legitimate or fair use of the Domain Name by Respondent as it appears to be inactive.

Complainant claims that the Domain Name has been registered in bad faith as Respondent should have known of Complainant's trade mark rights due to its global presence, and is passive holding the Domain Name, as well as using a privacy service to conceal his/her identity.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Complainant is a large, long-established and well-known global science company, specialising in polymers, composites and chemicals and employs 22,000 people in 61 countries. It identifies and relies on certain of its registered trade marks and its goodwill, acquired in such trade marks by virtue of its international use of Complainant's Mark. Complainant has therefore established it is the owner of Complainant's Mark.

The Domain Name reproduces Complainant's Mark, containing the word "solway" in its entirety, along with the addition of the word "ltd" which is an abbreviation of the English word "limited" as in a limited liability company. The addition of this word does not prevent a finding of confusing similarity. See section 1.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

In addition, Complainant's Mark is clearly recognizable in the Domain Name notwithstanding the addition of the word "ltd". See section 1.7 of [WIPO Overview 3.0](#).

The Domain Name is therefore confusingly similar to Complainant's Mark.

The first ground under the Policy is made out.

B. Rights or Legitimate Interests

Respondent has failed to file a response. Therefore, Respondent does not provide any basis upon which the Panel might conclude that he or she has rights or legitimate interests in the Domain Name.

Complainant argues that Respondent has no authority to use the Domain Name and has no connection with Complainant. Further, Complainant contends that this shows that Respondent is not commonly known by the Domain Name. Complainant indicates it could not find any legitimate or fair use of the Domain Name by Respondent. Instead, it appears that the Domain Name is inactive and therefore passively held.

Given Respondent has not used the Domain Name there is no basis to suggest that consumers have been misled or deceived. However, what is apparent is that through its registration and passive holding of the Domain Name, the Domain Name represents an impediment or blocking registration vis-à-vis Complainant. Equally, having failed to engage in this proceeding Respondent has not put forward any basis upon which the Respondent might have rights or legitimate interests in registering and in the future potentially using the Domain Name.

Under the circumstances the Panel finds that Respondent cannot establish rights or legitimate interests pursuant to paragraph 4(c)(iii) of the Policy.

Moreover, the Panel finds that the Domain Name is inherently misleading. See section 2.5.1 of [WIPO Overview 3.0](#).

Accordingly, Complainant has made an un rebutted *prima facie* case that Respondent has no rights or legitimate interests in respect of the Domain Name.

Complainant has established the second ground under the Policy.

C. Registered and Used in Bad Faith

Complainant submits that the Domain Name has been registered and is being used in bad faith, first, as Respondent should have known of Complainant's Mark rights due to its global presence. The Panel is satisfied that in this particular case it is proper to infer that Respondent had actual knowledge of Complainant and its trade mark rights. That is, notwithstanding its passive holding, at least to date, of the Domain Name. That view is reinforced by the fact that Respondent is using a privacy service to conceal his or her identity.

Noting (i) the degree of distinctiveness and reputation of Complainant's Mark, (ii) the failure of Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) Respondent's use of a privacy service to conceal his or her identity, and (iv) the implausibility of any good faith use to which the inherently misleading Domain Name may be put, the Panel finds that the non-use of the Domain Name does not prevent a finding of bad faith under the doctrine of passive holding.

Accordingly, the Panel finds that the Domain Name was registered and used in bad faith.

Complainant has therefore established the third ground under 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 <solwayltd.com> be transferred to Complainant.

/Clive L. Elliott/

Clive L. Elliott

Sole Panelist

Date: July 31, 2023