

## **ADMINISTRATIVE PANEL DECISION**

Solvay Société Anonyme v. Quisha Jackson, Jack fit n ups  
Case No. D2022-3305

### **1. The Parties**

The Complainant is Solvay Société Anonyme, Belgium, represented by PETILLION, Belgium.

The Respondent is Quisha Jackson, Jack fit n ups, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <solvaycorp.com> is registered with IONOS SE (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 6, 2022. On September 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 8, 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 September 12, 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 amended Complaint on September 12, 2022.

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 September 13, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 4, 2022.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on October 13, 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 is a global science company specialized in high-performance polymers and composites technologies, and a leader in chemicals, with more than 21,000 employees in 63 countries.

The Complainant owns a portfolio of trademarks for SOLVAY, including the following:

- International Trade Mark SOLVAY Registration No.1171614, registered on February 28, 2013, covering several countries including the United States of America where the Respondent appears to reside; and
- European Union Trade Mark SOLVAY Registration No.000067801, registered on May 30, 2000.

In addition, the Complainant is the owner of the domain name <solway.com> since March 21, 1995, which corresponds to the Complainant's official website.

The disputed domain name was registered on August 3, 2022, and resolves to a blocked web page.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant argues that the disputed domain name incorporates its trademark SOLVAY, adding the descriptive abbreviation "corp" for corporation, which does not avoid the finding of a confusingly similarity.

The Complainant alleges that the Respondent has no license or authorization from the Complainant and also no business or legal relationship with the Complainant. Furthermore, the Complainant says that the Respondent is not commonly known by the disputed domain name and that the disputed domain name was registered without any rights or legitimate interests.

In addition, the Complainant argues that due to the reputation of SOLVAY trademark, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's trademark rights.

The Complainant also says and shows evidence that although the disputed domain name is not in use, its email function is enabled, reason why there is a risk related to a fraudulent use of the disputed domain name by the Respondent, in an intentional attempt to attract, for commercial gain, Internet users.

Finally, the Complainant concludes that the disputed domain name was registered and is being used in bad faith.

The Complainant, therefore, requests the transfer of the disputed domain name.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

As per paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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 and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

The evidence presented to the Panel demonstrates that the Complainant is the owner of the trademark registration for SOLVAY in several jurisdictions, and that it predates the registration date of the disputed domain name.

The disputed domain name incorporates the Complainant's trademark SOLVAY in its entirety, with the addition of "corp" (abbreviation for the term "corporation").

As numerous prior UDRP panels have recognized, the incorporation of a trademark in its entirety or a dominant feature of a trademark is sufficient to establish that a domain name is identical or confusingly similar to the complainant's registered mark. See section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

It is the general view among UDRP panels that the addition of other terms (whether descriptive, geographical, or otherwise) to a trademark in a domain name would not prevent a finding of confusing similarity under the first element of the UDRP. See section 1.8 of the [WIPO Overview 3.0](#).

The Panel finds that paragraph 4(a)(i) of the Policy has been proved by the Complainant, *i.e.*, the disputed domain name is confusingly similar to the Complainant's trademark.

#### **B. Rights or Legitimate Interests**

The Respondent has not submitted a response to the Complaint.

There is no evidence that the Respondent has any authorization to use the Complainant's trademark or to register domain names containing the trademark SOLVAY.

There is no evidence that the Respondent is commonly known by the disputed domain name.

There is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name or that before any notice of the dispute, the Respondent has made use of, or demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services.

The Panel finds that the use of the disputed domain name, which incorporates the Complainant's trademark, does not correspond to a *bona fide* use of the disputed domain name under the Policy. Rather, the construction of the disputed domain name itself is such to carry a risk of implied affiliation with the Complainant, which cannot constitute fair use. See section 2.5.1 of the [WIPO Overview 3.0](#).

For the above reasons, the Panel finds that the condition of paragraph 4(a)(ii) of the Policy has been satisfied, *i.e.*, the Respondent has no rights or legitimate interests in the disputed domain name.

#### **C. Registered and Used in Bad Faith**

The trademark SOLVAY is registered by the Complainant in different countries and has been used since a long time. Also, the Complainant registered the domain name <solway.com> many years before the registration of the disputed domain name.

The disputed domain name totally incorporates the Complainant's trademark SOLVAY and the registered domain name <solway.com>. The Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the registration of the disputed domain name was not by coincidence and may generate confusion for customers, since it actually makes it appear that the disputed domain name belongs to the Complainant.

While the disputed domain name may not resolve to an active website, its passive holding does not prevent a finding of bad faith considering the totality of circumstances. See section 3.3 of the [WIPO Overview 3.0](#).

The Complainant's mark SOLVAY is reputed in its segment. Thus, a domain name that comprises such mark may be already suggestive of the Respondent's bad faith.

Moreover, the Respondent has chosen not to respond to the Complainant's allegations. According to the previous UDRP panel's decision in *The Argento Wine Company Limited v. Argento Beijing Trading Company*, WIPO Case No. [D2009-0610](#), "[t]he failure of the Respondent to respond to the Complaint further supports an inference of bad faith".

In addition to the above, the Complaint showed evidence that the Respondent activated an email address in connection with the disputed domain name, which means there is the possibility of using it for fraudulent practices.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(iii) of the Policy has been satisfied, *i.e.*, the disputed domain name has been registered and is being used in bad faith.

## 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 <solwaycorp.com> be transferred to the Complainant.

*/Mario Soerensen Garcia/*

**Mario Soerensen Garcia**

Sole Panelist

Date: October 27, 2022