

ADMINISTRATIVE PANEL DECISION

AdvanSix Resins & Chemicals LLC v. ZOP LLC, elaa zop
Case No. D2022-4072

1. The Parties

Complainant is AdvanSix Resins & Chemicals LLC, United States of America (“United States”), represented by Faegre Drinker Biddle & Reath LLP, United States.

Respondent is ZOP LLC, elaa zop, United States.

2. The Domain Name and Registrar

The disputed domain name <acvansix.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 October 28, 2022. On October 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 28, 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 (See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on November 3, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on November 3, 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 Respondent of the Complaint, and the proceedings commenced on November 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 28, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 1, 2022.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on December 14, 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

Complainant and its predecessors in interest have been in the chemicals industry for over 135 years. Complainant, a United States company, began using the mark ADVANSIX in 2016, and announced this mark in a press release on May 12, 2016 in connection with its reorganization. Since that time, Complainant has used the ADVANSIX marks in connection with all its offices and plants and as a house mark for its chemical, nylon and resin products. Complainant has five manufacturing facilities and approximately 1,375 employees in service of its approximately 400 customers globally. As of year-end 2021, Complainant made gross sales of over USD 1.6 billion.

Complainant is the owner of over 80 trademark registrations for marks incorporating the ADVANSIX mark (in either stylized or word-only format), covering 27 jurisdictions and for use in connection with a wide variety of products. Complainant's registered marks include United States Trademark Registration No. 5,321,829, registered on October 31, 2017, and European Union Trade Mark Registration No. 015417363, registered on September 13, 2016.

Complainant owns and operates the website located at the domain <advansix.com> and <advan6.com>, which it uses to advertise and provide information regarding its chemicals and resins products. Both these domain names were registered and/or acquired prior to the registration of the disputed domain name.

The disputed domain name was registered on June 23, 2022. The disputed domain name resolves to a host parking website.

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain name is virtually identical to Complainant's ADVANSIX trademark, that Respondent has no rights or legitimate interests in respect of the disputed domain name, and that it was registered and is being used in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed in its claim, Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

(ii) Respondent has no rights or legitimate interests with respect to the disputed domain name; and

(iii) The disputed domain name has been registered and is being used in bad faith.

Paragraph 15(a) of the Rules instructs the Panel to decide a complaint "on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

A. Identical or Confusingly Similar

Complainant has demonstrated that it has rights in the trademark ADVANSIX for use in connection with chemical and resin products, and a wide variety of other products. The disputed domain name incorporates the ADVANSIX mark but replaces the letter “d” with combination of the letters “cl” which have a visual appearance resembling a “d”. This represents a form of “typo-squatting” known as “homograph spoofing.” Prior panels have held similar typo-squatting of Complainant’s ADVANSIX mark to be confusingly similar. See *AdvanSix Resins & Chemicals LLC v. Contact Privacy Inc. Customer 1244657330/Benjamin Thomasson*, WIPO Case No. [D2019-1581](#) and *AdvanSix Resins & Chemicals LLC v. Name Redacted*, WIPO Case No. [D2018-0208](#).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to Complainant’s trademark.

B. Rights or Legitimate Interests

Complainant contends that Respondent is not affiliated with or connected to Complainant in any way. Complainant has not given Respondent permission, authorization, consent or license to use Complainant’s ADVANSIX trademark. There is no evidence that Respondent has become commonly known by the term “aclvansix”. There is no evidence that Respondent is using the disputed domain name in connection with a *bona fide* offering of goods or services or that Respondent is making a legitimate noncommercial or fair use of the disputed domain name. Instead, the disputed domain name resolves to a website, indicating that it is a parked domain name. Despite being a parked page, the disputed domain name is notably configured for email activity, because MX servers have been established for the disputed domain name.

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

C. Registered and Used in Bad Faith

The record is devoid of any evidence that good faith use of the disputed domain name is intended or can be made, particularly considering that email servers have been configured to send emails from the disputed domain name, despite the website being parked and devoid of content. This tends to indicate that Respondent’s intent in registering the disputed domain name is to use it in a fraudulent scam, for example, to lure consumers into believing they are being contacted by Complainant in order to defraud them into providing financial information or making payments to an account controlled by Respondent. Moreover, prior panels have held that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, section 3.1.4 (“[WIPO Overview 3.0](#)”). The disputed domain name resolves to a parked page. In this case, the totality of the circumstances suggests that the disputed domain name is being used in bad faith. The misspelling of the mark in the disputed domain name using letters that are visually similar suggests a likely intent to confuse Internet users into the expectation that they would reach a website operated by the Complainant.

The Panel finds that Respondent has registered and used the disputed domain name 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 <aclvansix.com> be transferred to the Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: December 28, 2022