

ADMINISTRATIVE PANEL DECISION

Solvay SA v. Huseyin Yeter, Huseyin Yeter
Case No. D2023-0649

1. The Parties

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

The Respondent is Huseyin Yeter, Huseyin Yeter, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <solvay.tech> (“Domain Name”) is registered with Hostinger, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2023. On February 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 14, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (GDPR Masked) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 23, 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 the same day.

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 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2023. The Respondent did not submit any formal response, but sent an informal communication email on February 23, 2023. Accordingly, the Center notified the commencement of panel appointment process on March 20, 2023.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on March 21, 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 following facts are undisputed.

The Complainant is a global science company specialised in high-performance polymers and composites technologies, and a leader in chemicals. It was founded in 1863. The Complainant is headquartered in Belgium and has more than 21,000 employees in 63 countries and net sales in 2021 of EUR 10.1 billion.

The Complainant is the owner of several trademarks for the word mark SOLVAY, including the European trademark registration No. 000067801 registered on May 30, 2000, in numerous classes, and the International registration No. 1171614, of February 28, 2013, also in numerous classes and with numerous designated countries including Türkiye. These registrations will in singular be referred to as the "Trademark".

The Domain Name was registered on January 7, 2022. The Domain Name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

To the extent relevant for rendering a decision, the Complainant contends the following:

The Trademark is well known throughout the world, both thanks to the Complainant's international presence and to its marketing investments. The Trademark is used extensively, including on social media, and has been recently ranked for several years in the top 10 most powerful and valuable Belgian brands. The SOLVAY brand value was estimated at EUR 795 million in 2020.

The Domain name is identical to the Trademark.

The Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent is not commonly known by the Domain Name. In the present case, the WhoIs records do not disclose the identity of the Respondent and it is thus inconceivable that the Respondent would be commonly known by the Domain Name. Furthermore, the Respondent has not acquired trademark or service mark rights and the Respondent's use and registration of the Domain Name was not authorized by the Complainant. In the absence of any license or permission from the Complainant to use the Trademark no actual or contemplated *bona fide* or legitimate use of the Domain Name could reasonably be claimed.

As the Domain Name is identical to the Trademark, there is a high risk of implied affiliation as the Domain Name incorporates the distinctive and well-known Trademark and company name of the Complainant in its entirety without any addition but the ".tech" Top-Level Domain ("TLD"). Therefore, the Domain Name impersonates or at least suggests sponsorship or endorsement by the Complainant and cannot constitute *bona fide* or even fair use. The Complainant could not find any legitimate or fair use of the Domain Name as the website is inactive.

The Respondent registered and is using the Domain Name in bad faith. At the time the Respondent registered the Domain Name, the Respondent must have known the Complainant and the Trademark, for the following reasons: The Domain Name is identical to the Trademark and the TLD does nothing to avoid any confusion, quite the contrary. The Complainant and the Trademark are well known all over the world, including in Türkiye where the Respondent is located. Some of the Complainant's trademarks were registered more than 20 years before the registration of the Domain Name. The Complainant has been

active in Türkiye for 25 years. A simple search on the Internet would have revealed the Complainant's presence, reputation and trademarks. Overall, it is inconceivable that the Respondent was unaware of the Complainant and its rights in the Trademark at the time of registration of the Domain Name.

The Domain Name currently does not resolve to an active website. Under the circumstances of the case, the passive holding of the Domain Name can amount to bad faith registration and use.

B. Respondent

The Respondent did not submit any formal response, but sent an informal communication email on February 23, 2023, stating: "Hi, I registered the domain last year. In 2023, I did not renew the Domain in any way. You can registered the domain after deleting. It will be deleted in about 2 months. Have a nice day..."

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

Noting the burden of proof on the Complainant, the Respondent's default (*i.e.*, failure to submit a formal response) would not by itself mean that the Complainant is deemed to have prevailed. The Respondent's default is not necessarily an admission that the Complainant's claims are true. See in this regard WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3, "In cases involving wholly unsupported and conclusory allegations advanced by the complainant, or where a good faith defense is apparent (*e.g.*, from the content of the website to which a disputed domain name resolves), panels may find that – despite a respondent's default – a complainant has failed to prove its case. Further to paragraph 14(b) of the UDRP Rules however, panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case *e.g.*, where a particular conclusion is *prima facie* obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent".

A. Identical or Confusingly Similar

The Complainant must demonstrate that it has rights in a trademark or service mark and, if so, the Domain Name must be shown to be identical or confusingly similar to that mark.

The Complainant has shown that it has rights in the Trademark.

The Domain Name is clearly identical to the Trademark.

Therefore, the Panel is satisfied that the first element of the Policy is met.

B. Rights or Legitimate Interests

The Panel has carefully considered the factual allegations that have been made by the Complainant and are supported by the submitted evidence.

In particular, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph

4(c) of the Policy from which the Panel might conclude that the Respondent has rights or legitimate interests in the Domain Name, such as:

- (i) use or preparation to use the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services prior to notice of the dispute; or
- (ii) being commonly known by the Domain Name (as an individual, business or other organization) even if the Respondent has not acquired any trademark or service mark rights; or
- (iii) making legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel finds that the Respondent has not used, and is not using or preparing to use, the Domain Name in connection with *bona fide* offerings of goods or services as the Domain Name does not resolve to an active website. Further, the Respondent does not seem to be affiliated with the Complainant in any way and there is no evidence that “Solvay” is the Respondent’s name or that the Respondent is commonly known under this name.

There is also no evidence that the Respondent is, or has ever been, a licensee of the Complainant or that the Respondent has ever asked, or has ever been permitted in any way by the Complainant to register or use the Trademark, or to apply for or use any domain name incorporating the Trademark. In addition, the nature of the Domain Name (identical to the Trademark) carries a risk of implied affiliation.

Certainly noting that the Respondent has failed to respond to the Complaint and thus has not taken any steps to rebut the Complainant’s arguments, the Panel finds that the Respondent lacks rights to or legitimate interest in the Domain Name.

Therefore, the Panel is satisfied that the second element of the Policy is met.

C. Registered and Used in Bad Faith

The Panel finds that the Domain Name was registered and is being used in bad faith.

The Panel refers to its considerations under section 6.B and adds the following:

In light of the evidence filed by the Complainant, the Panel finds that the Trademark and the Complainant’s activities are well known in various parts of the world. Certainly lacking a response, the Respondent must have been aware of the existence of the Complainant’s activities and rights at the time the Respondent registered the Domain Name.

The non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3 of the [WIPO Overview 3.0](#)).

Therefore, the Panel is satisfied that the third element of the Policy is met.

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, <solway.tech>, be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: April 4, 2023