

## **ADMINISTRATIVE PANEL DECISION**

SOLVAY Société Anonyme v. Pauline Conradie  
Case No. D2023-2981

### **1. The Parties**

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

The Respondent is Pauline Conradie, South Africa.

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

The disputed domain name <solvaysupplychain.com> is registered with Tucows Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 12, 2023. On July 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 13, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 July 17, 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 sent the notification of the Respondent of the Complaint, and the proceedings commenced on July 25, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2023. The Respondent did not submit any response. Accordingly, the Center sent the notification of the Respondent’s default on August 21, 2023.

The Center appointed Petra Pecar as the sole panelist in this matter on August 31, 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, Solvay S.A., is a global science company specialized in high-performance polymers and composites technologies. Founded in 1863 with its main office in Brussels, the company employs 22,000 across 61 countries. In 2022, the Complainant's net sales amounted to EUR 13.4 billion.

The Complainant owns a portfolio of registered marks containing the term SOLVAY, including the following:

- European Union word mark SOLVAY, registered on May 30, 2000 under Registration No. 000067801 in Classes 1, 3, 4, 5, 7, 9, 10, 12, 17, 19, 20, and 31;
- European Union word mark SOLVAY, registered on August 13, 2013 under Registration No. 011664091 in Classes 1, 2, 3, 4, 5, 7, 9, 10, 12, 17, 19, 22, 23, 24, 25, 30, 31, 35, 36, 37, 40, and 42; and
- International word mark SOLVAY, registered on February 28, 2013 under Registration No. 1171614 in Classes 1, 2, 3, 4, 5, 7, 9, 10, 12, 17, 19, 22, 23, 24, 25, 30, 31, 34, 35, 36, 37, 39, 40, and 42.

The Complainant owns the domain name <solvay.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 June 28, 2023 and resolves to a parking page of the hosting provider, displaying a statement "www.solvaysupplychain.com IS CURRENTLY UNAVAILABLE! If you are the domain owner, please contact us at your earliest convenience [...]."

The Respondent is an individual from South Africa.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends that the SOLVAY mark, under which the company operates, is renowned globally, with its value estimated at EUR 795 million in 2020. The Complainant asserts that the SOLVAY mark has achieved widespread recognition globally due to its international presence and substantive marketing endeavors. The SOLVAY mark was identified as one of Belgium's top 10 distinguished brands, with an assessed value of EUR 795 million in the year 2020. Since 1995, the Complainant has held rights to the domain <solvay.com>, using it for official representation and electronic correspondence.

The Complainant contends that the disputed domain name <solvaysupplychain.com> closely resembles SOLVAY mark, which has been registered by the Complainant in multiple countries and has been in use since at least 2000. The disputed domain name includes the SOLVAY mark in its entirety, coupled with the term "supply chain". When other terms are appended to a recognized mark within a domain, it can still potentially be deemed confusingly similar. Additionally, the inclusion of generic Top-Level Domains ("gTLDs") such as ".com" typically doesn't alter the perception of similarity. Based on these factors, the Complainant argues that the disputed domain name is confusingly similar to their mark.

The Complainant asserts that the Respondent identified is not commonly recognized by the disputed domain name and has no trademark rights or authorization from the Complainant to use SOLVAY mark. The disputed domain name consists of the Complainant's SOLVAY mark and additional terms "supply chain", which can mislead by suggesting an association or endorsement with the Complainant. Despite the disputed domain name leading to an inactive page, there is evidence of email scams linked to it, impersonating the Complainant. Additionally, the Respondent's provided contact details appear suspicious. Based on these facts, the Complainant asserts that the Respondent has no legitimate interest in the disputed domain name.

The Complainant asserts that the Respondent registered and is using a disputed domain name in bad faith.

The disputed domain name prominently features the Complainant's SOLVAY mark, which raises concerns, especially when paired with the fact that the Respondent has been found to impersonate the Complainant through fraudulent emails linked to the disputed domain name. The international renown of the Complainant's marks, some of which have been in existence for over two decades, makes it unlikely that the Respondent was unaware of the Complainant's mark during the disputed domain name registration.

The disputed domain name, while redirecting to a generic parking page, is implicated in deceptive electronic communications. Reports from the Complainant's associates indicate that fraudulent electronic mails, emanating from the disputed domain name, simulate the Complainant's corporate identity, both in terms of branding and personnel representation.

The act of registering a domain that is either identical or bears significant similarity to a globally recognized mark is typically seen as evidence of bad faith. The Complainant provided evidence showing that the Respondent might be aiming to attract users by creating confusion with the Complainant's mark, likely with the intent of commercial profit. Such deceptive practices, when combined with other factors like impersonation, amplify the assertions of bad faith. The information provided by the registrar suggests that the Respondent may have provided false registration details, which could be seen as a deliberate attempt to conceal their identity, further supporting the claim of bad faith. Given these factors, the Complainant maintains that the Respondent registered and uses the disputed domain name in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

"A Panel shall 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", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (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 by the Respondent in bad faith.

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

Paragraph 4(a)(i) of the Policy requires a complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights. A trademark registration provides a clear indication that the rights in the trademark belong to the complainant (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.2.1).

The Complainant has established its rights in the SOLVAY mark based on previous registration, which preceded the disputed domain name registration for two decades.

The disputed domain name fully incorporates the SOLVAY mark and is further followed by the terms “supply chain”. Additional terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) do not prevent a finding of confusing similarity, as noted in section 1.8 of the [WIPO Overview 3.0](#).

Furthermore, it is a well accepted practice by UDRP panels that a gTLD, such as “.com”, is disregarded when assessing whether a domain name is identical or confusingly similar to a trademark (see section 1.11.1 of the [WIPO Overview 3.0](#)). For the mentioned reason, the Panel accepts not to consider the gTLD “.com” when assessing confusing similarity of the disputed domain name. Taking into account all of the above, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s SOLVAY mark.

The Complainant’s SOLVAY mark is recognizable within the disputed domain name and accordingly, the Panel finds that the Complainant has satisfied the first requirement that the disputed domain name is confusingly similar to the Complainant’s registered mark, under paragraph 4(a)(i) of the Policy.

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

Under the second element of the Policy, a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence to rebut that presumption. If the respondent fails to do so, a complainant is generally deemed to have satisfied the second element, as set out in paragraph 4(a)(ii) of the Policy (see also [WIPO Overview 3.0](#), section 2.1).

The Respondent failed to provide any evidence of authorization to use the SOLVAY mark or to register a domain name containing the SOLVAY mark.

According to the Complainant, there is no affiliation or connection between the Respondent and the Complainant. Furthermore, the Complainant has not granted any license or permission to the Respondent to use or register a domain name incorporating the Complainant’s mark. The Complainant asserts that the Respondent is not commonly recognized by the disputed domain name. Moreover, the Respondent lacks trademark rights or any form of authorization from the Complainant to use the SOLVAY mark.

Despite the Respondent’s failure to provide any response to the Complaint, the evidence and arguments presented by the Complainant strongly indicate that the Respondent lacks any legitimate interest in the disputed domain name.

The disputed domain name incorporates the Complainant’s SOLVAY mark along with the additional terms “supply chain”. Such a combination may mislead Internet users by suggesting an association or endorsement with the Complainant, even though no such connection exists (see section 2.5.1 of the [WIPO Overview 3.0](#)).

Based on the above, the Panel finds that the second element of paragraph 4(a)(ii) of the Policy has been met by the Complainant.

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

The third element of paragraph 4(a) of the Policy requires a complainant to demonstrate that the respondent registered and is using the disputed domain name in bad faith. [WIPO Overview 3.0](#), section 3.1, states that “bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark”.

Paragraph 4(b) of the Policy stipulates that any of the following circumstances, *inter alia*, shall be considered as evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is

the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) circumstances indicating that the respondent registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its 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 respondent's website or location or of a product or service on its website or location.

The Complainant's registered marks predate the disputed domain name registration by at least two decades.

The Complainant has emphasized the SOLVAY mark's global reputation, highlighting its association with the Complainant's company's operations. This assertion is substantiated by the mark's substantial valuation of EUR 795 million in 2020. Further, the widespread international recognition of the mark has been through its significant global presence and comprehensive marketing endeavors. The SOLVAY mark was identified as one of Belgium's premier brands, reinforcing its aforementioned valuation. The Complainant's longstanding ownership and use of the domain <solvay.com> since 1995 for official representation and electronic correspondence is further evidence of the SOLVAY mark's longstanding prominence. Moreover, previous decisions by panels in cases, notably *Solvay Société Anonyme v. Anonymous Domain Registration Service*, WIPO Case No. [D2023-0656](#), have recognized and affirmed the well-known and distinctive character of the SOLVAY mark. In light of these considerations, the Panel concludes that the SOLVAY mark is indeed renowned.

The inclusion of the Complainant's SOLVAY mark in the disputed domain name in its entirety, further followed by "supply chain", as descriptive terms, which are directly connected to the Complainant and their business, *i.e.* logistics in relation to its products, does not diminish the likelihood of confusion, but rather amplifies it. The Panel finds that the evidence shows that at the time of the registration of the disputed domain name, the Respondent was aware of the Complainant, their business activity and marks.

Considering the longstanding global recognition of the Complainant's marks and the Complainant's presence in the Respondent's region since the early 1900s, it is improbable that the Respondent was unaware of the Complainant's identity and rights. A simple online search would have presented the Complainant's esteemed reputation and SOLVAY marks.

The disputed domain name redirects to an inactive page. The Complainant provided evidence that the disputed domain name has been implicated in email fraud. Evidence shows that the disputed domain name was used for sending emails where the sender posed as a representative of the Complainant, using a deceptive email address, "[...][@solvaysupplychain.com](#)". The emails used the Complainant's official brand, logo, and address, clearly intending to impersonate the Complainant which is evidence for confusion and bad faith on the part of the Respondent. Under the UDRP guidelines, as per section 2.13 of the [WIPO Overview 3.0](#), using a domain for unlawful activities, including fraud and impersonation, does not grant any rights or genuine interests to the holder of the domain.

The Panel concludes that the disputed domain name was registered and is being used in bad faith and that consequently, the Complainant has satisfied the requirement 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, <solvaysupplychain.com>, be transferred to the Complainant.

*/Petra Pecar/*

**Petra Pecar**

Sole Panelist

Date: September 14, 2023