

## **ADMINISTRATIVE PANEL DECISION**

Univar Solutions Inc. v. kliandoc003 doc

Case No. D2023-3612

### **1. The Parties**

The Complainant is Univar Solutions Inc., United States of America, represented by SafeNames Ltd., United Kingdom.

The Respondent is kliandoc003 doc, Uganda.

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

The disputed domain name <univarsolutioninc.com> is registered with HOSTINGER operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 29, 2023. On August 29, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 30, 2023, 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 (Domain Admin Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 4, 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 September 4, 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 the Respondent of the Complaint, and the proceedings commenced on September 11, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 1, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 6, 2023.

The Center appointed Andrea Mondini as the sole panelist in this matter on October 9, 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, Univar Solutions Inc., founded in 1924 and listed on the New York Stock Exchange, is a global chemical and ingredient distribution company with locations in the United States, Canada, Latin America, Asia and Europe.

The Complainant owns numerous trademarks registrations for UNIVAR, in many jurisdictions throughout the world, including:

- US Trademark Registration No. 1724817, UNIVAR, registered on October 20, 1992;
- China Trademark Registrations No. 3233858, 3233859 and 3233860, UNIVAR, registered on September 21, 2003, May 14, 2004 and February 7, 2004;
- EU Trademark Registration No. 002717809, UNIVAR, registered on October 7, 2005;
- Malaysia Trademark Registration No. 03006946, UNIVAR, registered on June 10, 2003.

The Complainant also holds several domain names, including the domain name <univarsolutions.com> which resolves to the Complainant's main website.

The disputed domain name was registered on April 20, 2023.

The record shows that the disputed domain name resolves to an inactive site and that the disputed domain name was used to send phishing emails.

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

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

The Complainant contends as follows:

The disputed domain name is confusingly similar to the UNIVAR trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the term "solution", of the ending "inc" and of the generic Top-Level Domain ("gTLD") ".com" are not sufficient to avoid confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The mark UNIVAR is associated with the Complainant, since the trademark has been extensively used to identify the Complainant and its services. The Respondent has not been authorized by the Complainant to use this trademark, is not commonly known by the disputed domain name, and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a *bona fide* offering of goods and services. To the contrary, the Respondent used the disputed domain name to pass off as an employee of the Complainant. The Respondent attempted to carry out business, claiming to be the Complainant, for its own commercial gain, which is not *bona fide use* under the policy.

The disputed domain name was registered in bad faith because it is obvious that the Respondent was aware of both the Complainant and its well-known trademark UNIVAR at the time it registered the disputed domain name, considering that the Respondent targeted the Complainant's entire business name (Univar Solutions Inc.), hoping to deceive Internet users who do not notice the missing 's' in 'Solutions'.

The Respondent used the disputed domain name in bad faith by sending phishing emails impersonating an employee of the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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 Panel is satisfied that the Complainant has trademark rights by virtue of the registrations it owns for its UNIVAR trademark.

The Panel notes that the disputed domain name incorporates the UNIVAR trademark in its entirety. The addition of the term "solution" and of the ending "inc" does not prevent a finding of confusing similarity under the Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.

The addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is a standard registration requirement and as such is disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). See [WIPO Overview 3.0](#), section 1.11.1.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's mark UNIVAR.

The first element of paragraph 4(a) of the Policy has been met.

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

The Complainant states it has not authorized the Respondent to use the trademark UNIVAR and that before notice of the dispute, there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in good faith. The Panel does not see any contrary evidence from the record. The Complainant has shown that the Respondent used the disputed domain name to pass off as an employee of the Complainant, which is not *bona fide* use under the policy.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent did not provide a Response and thus failed to provide any explanations as to any rights or legitimate interests.

Furthermore, the nature of the disputed domain name, comprising the Complainant's trademark and the terms "solution inc", carries a risk of implied affiliation. See [WIPO Overview 3.0](#), section 2.5.1.

Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The second element of paragraph 4(a) of the Policy has been met.

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

The Complainant has shown to the satisfaction of the Panel that its UNIVAR trademark is wellknown.

In the view of the Panel, noting that the Complainant's trademark predates the registration of the disputed domain name and the fact that the disputed domain name obviously targeted the Complainant's entire business name (Univar Solutions Inc.) it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant and of its well-known trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The Complainant has shown that the Respondent used the disputed domain name to send phishing emails impersonating an employee of the Complainant and for its own commercial gain. The use of the disputed domain name to send phishing emails clearly constitutes use in bad faith (See [WIPO Overview 3.0](#), section 3.4).

The Panel thus finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy has been 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 disputed domain name, <univarsolutioninc.com> be transferred to the Complainant.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: October 23, 2023