

## **ADMINISTRATIVE PANEL DECISION**

**RAVAGO S.A. v. Jeroen Bert**

**Case No. D2023-3851**

### **1. The Parties**

The Complainant is RAVAGO S.A., Luxembourg, represented by LAIDEBEUR & PARTNERS, Luxembourg.

The Respondent is Jeroen Bert, Netherlands (Kingdom of the).

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

The disputed domain name <ravagochemical.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 15, 2023. On September 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 15, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 the Respondent of the Complaint, and the proceedings commenced on September 18, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 10, 2023.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on October 18, 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 is an international group operating in the field of plastics and chemicals. The Complainant submitted a list of trademark registrations for the trademark RAVAGO. For example, Benelux trademark registration No. 976365 registered on August 18, 2015, and Benelux trademark registration No. 885075 registered on October 11, 2010.

The disputed domain name was registered by on June 24, 2023, and resolves to an error page. According to the evidence provided by the Complainant, the disputed domain name has been used in a fraudulent email scheme.

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

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

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark. The essential part of the disputed domain name is the Complainant's trademark as the word "chemical" is descriptive and the generic Top-Level-Domain ("gTLD") ".com" should be ignored.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. Trademark searches for RAVAGO do not reveal that it belongs to the Respondent. The trademark RAVAGO consists of the initial letters of the name of the Complainant's founder, which makes it unique and only relating to the Complainant. The Complainant did not license the Respondent to use its trademark in the disputed domain name and there is no relationship between the Complainant and the Respondent. The Respondent is not commonly known by the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The disputed domain name was registered in 2023 while the registration of the Complainant's trademark dates back to 1995. The Complainant has presence on the Internet and well-known globally. The Complainant's trademark does not have a dictionary meaning. The Respondent must have been aware of the Complainant's trademark and is attempting to create a likelihood of confusion with the Complainant's business. The Respondent is not using the disputed domain name in good faith as it does not link to any website. The Respondent is using the disputed domain name as part of an identity theft strategy. The Respondent is using the disputed domain name in order to send emails to the Complainant's partners and customers. The emails are sent in the name of an actual employee of the Complainant.

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

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

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

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

The Complainant submitted a list of trademark registrations for the trademark RAVAGO. The Complainant did not submit copies of those registrations but the Complaint includes the certification of accuracy, so the Panel has no reason to doubt their existence or their accuracy. For completeness, the Panel notes that the above-listed Benelux trademark registrations do exist and are active.<sup>1</sup> The Panel is satisfied that the Complainant has established its ownership of the trademark RAVAGO.

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<sup>1</sup> The Complainant's referenced trademarks are available as a matter of public record. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, section 4.8.

The disputed domain name incorporates the Complainant's trademark RAVAGO in its entirety. It is established by prior UDRP panels that when a domain name incorporates a complainant's registered trademark, such incorporation is sufficient to establish identity or confusing similarity for the purposes of the Policy even if other terms are added as part of the disputed domain name. *E.g., Oki Data Americas, Inc v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("*Oki Data*").

The addition of the term "chemical" does prevent the fact that the disputed domain name is confusingly similar to the Complainant's trademark. The gTLD ".com" can be ignored when assessing confusing similarity as it is viewed as a standard registration requirement.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

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

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production of evidence shifts to the respondent. In the instant case, the Complainant asserts that the Respondent is not licensed by the Complainant to use its trademark and the Respondent is not commonly known by the disputed domain name. The Complainant also alleges the disputed domain name has been used for fraudulent misrepresentation purposes. Therefore, the Complainant has established a *prima facie* case, and the burden of production of evidence shifts to the Respondent to show that it has rights or legitimate interests.

The disputed domain name is used in connection with an email address that is being used as part of a fraudulent scheme. Use of the disputed domain name for illegal activity cannot confer rights or legitimate interests onto the Respondent. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.13.

Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

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

At the time of registering the disputed domain name, the Respondent must have been aware of the Complainant's trademark for a number of reasons:

- (i) The Complainant's trademark had been registered years before the disputed domain name was created.
- (ii) The disputed domain name contains the term "chemical", which relates to the Complainant's industry.
- (iii) The Respondent attempted to impersonate the Complainant.

The Panel believes that the Respondent has registered the disputed domain name in order to impersonate the Complainant. The evidence submitted by the Complainant showing the use of the disputed domain name in connection with emails used as part of a fraudulent scheme is a clear indication of bad faith. It is well accepted that the use of a domain name to perpetuate fraud constitutes bad faith use ([WIPO Overview 3.0](#), section 3.4).

Accordingly, the Panel finds that the Complainant has satisfied 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 <ravagochemical.com> be transferred to the Complainant.

*/Nayiri Boghossian/*

**Nayiri Boghossian**

Sole Panelist

Date: October 25, 2023