

ADMINISTRATIVE PANEL DECISION

Univar Solutions Inc. v. Furrokh Irani
Case No. D2024-0082

1. The Parties

Complainant is Univar Solutions Inc., United States of America (“United States”), represented by SafeNames Ltd., United Kingdom.

Respondent is Furrokh Irani, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <univarssolutions.com> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 10, 2024. On January 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 11, 2024, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on January 16, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 17, 2024.

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 Respondent of the Complaint, and the proceedings commenced on January 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 11, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 13, 2024.

The Center appointed Richard W. Page as the sole panelist in this matter on February 27, 2024. 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 is a global chemical and ingredient distribution company. Complainant operates across a number of varied industries: these include, without limitation, aerospace, agriculture, beauty and personal care, and chemical manufacturing. Complainant provides its services globally across locations within the United States, Canada, Latin America, Asia and Europe. Founded in 1924, Complainant was originally known as Van Waters & Rogers, named after its founders, George Van Waters and Nat Rogers. In 1966, Complainant became VWR United Company following a merger with United Pacific Corporation. This later changed, by comingling “United” with “Van Water & Rogers,” into “Univar.” Complainant has been known by the name “Univar” since the early 1970s, but this changed in 2019 to “Univar Solutions” following a merger with Nexco Solutions.

Complainant operates online from “www.univarsolutions.com”, which advertises its offerings, the industries in which it operates, and further information about its history. Complainant’s main website received an average of more than 100,000 visits per month between March and May 2023.

Complainant is a publicly traded company on the New York Stock Exchange, under the ticker symbol “UNVR,” and is ranked #369 on the 2022 Fortune 500 list. Complainant employs over 9,700 people and made revenues of more than USD 11 billion in 2022.

Complainant is the intellectual property rights holder of the UNIVAR Mark and has been known by this name since the early 1970s. Complainant is the holder of many trademark registrations (including through previous company names such as Univar Inc.).

The following are, without limitation, a list of relevant registrations of the UNIVAR Mark:

- United States Registration No. 1724817 registered October 20, 1992, in classes 1, 3, 4, 5, 39 and 42;
- China Registration No. 3233858 registered on September 21, 2003, in class 4; and
- European Union Registration No. 002717809 registered on October 7, 2005, in international classes 5, 7-9, 35, 39, 40 and 42.

As part of Complainant’s business strategy, it and its subsidiaries have registered numerous domain names that include the UNIVAR Mark and the “Univar Solutions” name.

Complainant has also established a social media presence and uses the UNIVAR Mark to promote its services.

The Disputed Domain Name was registered on October 4, 2023, and at the time of filing of the Complaint, did not resolve to a functioning website, but was used for fraudulent email addresses as part of a phishing scheme.

5. Parties’ Contentions

A. Complainant

Complainant contends that the Disputed Domain Name contains the UNIVAR Mark, in addition to an additional letter “s” and the term “solutions”. Given that Complainant’s main website is

“www.univarsolutions.com” and its business name is “Univar Solutions Inc.”, the additions have clearly been selected to amplify the degree of perceived affiliation with Complainant.

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable.”

Even though Respondent has failed to file a Response or to contest Complainant’s assertions, the Panel will review the evidence proffered by Complainant to verify that the essential elements of the claims are met. Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the UNIVAR Mark in which Complainant has rights; and,
- ii) that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and,
- iii) that the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the UNIVAR Mark and the Disputed Domain Name. [WIPO Overview 3.0](#), section 1.7.

Complainant has shown rights in respect of the UNIVAR Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the UNIVAR Mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the UNIVAR Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, an additional “s” and “solutions” may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Disputed Domain Name and the UNIVAR Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

[WIPO Overview 3.0](#), section 2.1 states that once Complainant makes a prima facie case in respect of the lack of rights or legitimate interests of Respondent, Respondent carries the burden of demonstrating it has

rights or legitimate interests in the Disputed Domain Name. Where Respondent fails to do so, Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a Disputed Domain Name:

(i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or

(ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or

(iii) you [Respondent] are making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the UNIVAR Mark.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving Respondent lacks rights or legitimate interests in the Disputed Domain Name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Complainant alleges that Respondent does not have any trademark rights to the term UNIVAR or any other term used in the Disputed Domain Name. Neither has Respondent received any license from Complainant to use domain names featuring the UNIVAR Mark.

Complainant further alleges that the Disputed Domain Name does not resolve to a webpage. However, Complainant submits evidence that the Disputed Domain Name is being used to distribute a phishing scheme via email. Specifically, Respondent is using the Disputed Domain Name to pass off as an employee of Complainant using the email address “[...]@univarssolutions.com”, with the aim of diverting and collecting payments intended for Complainant. Respondent is carrying out business, claiming to be Complainant, for its own commercial gain. Such illegal activity cannot be considered bona fide or legitimate.

Complainant further alleges that Respondent is not commonly known by the Disputed Domain Name.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

Panels have held that the use of the Disputed Domain Name for illegal activity, here claimed as phishing and impersonation/passing off, can never confer rights or legitimate interests on Respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

(i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the UNIVAR Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or

(ii) you [Respondent] have registered the Disputed 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 you have engaged in a pattern of such conduct; or

(iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the UNIVAR Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of the Disputed Domain Name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that the Disputed Domain Name was registered and used in bad faith, but other circumstances may be relevant in assessing whether Respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of the Disputed Domain Name for illegal activity, here claimed as phishing and impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that Complainant has established the third element 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 <univarssolutions.com> be transferred to Complainant.

/Richard W. Page/

Richard W. Page

Sole Panelist

Date: March 12, 2024