

## ADMINISTRATIVE PANEL DECISION

Solvay S.A. v. kgrosven oryellomg  
Case No. D2024-0905

### 1. The Parties

The Complainant is Solvay S.A., Belgium, represented by Novagraaf Belgium NV/SA, Belgium.

The Respondent is kgrosven oryellomg, United States of America.

### 2. The Domain Name and Registrar

The disputed domain name <solvasa-tech.com> is registered with NameCheap, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 29, 2024. On February 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 29, 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 (Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 1, 2024, 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 March 5, 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 the Respondent of the Complaint, and the proceedings commenced on March 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 3, 2024.

The Center appointed Andrea Cappai as the sole panelist in this matter on April 5, 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**

Founded in 1863, the Complainant Solvay S.A. is a multinational chemical company headquartered in Brussels, in Belgium. It is known for producing a variety of chemical and advanced material products. These cater to multiple sectors, including agriculture, personal care, healthcare, consumer food, automotive, aerospace, and electronics. In 2022, the company reported net sales of EUR 13.4 billion; it employs approximately 22,000 people worldwide.

Solvay S.A. owns several trademarks worldwide, including European Union (“EU”) trademark registration no. 000067801 for the word mark SOLVAY, registered on May 30, 2000; EU trademark registration no. 011664091 for the word mark SOLVAY, registered on August 13, 2013; and international trademark registration no. 1171614 for the word mark SOLVAY, registered on February 28, 2013.

Additionally, the company owns many domain names featuring the Complainant’s trademark SOLVAY, including <solvay.com>, which has been registered since 1995.

The disputed domain name was registered on December 12, 2023. It is used to host a parking page comprising pay-per-click (“PPC”) links.

#### **5. Parties’ Contentions**

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant asserts prior and exclusive rights to the SOLVAY trademark and contends that the disputed domain name is confusingly similar to this trademark, likely causing confusion. It further argues that the Respondent is neither known by this domain name nor holds any corresponding trademark. Additionally, the Complainant has not licensed or authorized the Respondent to use the SOLVAY trademark or any related domain name. The Complainant maintains that the Respondent has registered and is using the disputed domain name in bad faith, as defined under the Policy.

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

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

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

##### **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 Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms and elements, such as the abbreviation “sa,” the hyphen “-,” and the word “tech,” may bear on assessment of the second and third elements, the Panel finds the addition of such term[s] does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Indeed, omitting the generic Top-Level Domain (“gTLD”) “.com”, the disputed domain name still contains the full Complainant’s mark, plus the abbreviation “sa” – an abbreviation for Société Anonyme, as reflected in the Complainant’s company name – and the term “tech.” In the Panel’s view, these additions do not detract from the confusing similarity between the disputed domain name and the Complainant’s mark.

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

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

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

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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.

The Complainant asserts no affiliation or authorization with the Respondent, who reportedly lacks rights to use or register the Complainant’s trademark as domain names. The disputed domain name incorporates the Complainant’s trademark, adding a hyphen, the abbreviation “sa” – commonly understood as short for “Société Anonyme,” which mirrors the structure of the Complainant’s company name – and the term “tech.”. The disputed domain name’s composition not only implies a misleading connection but also demonstrates the Respondent’s intention to unfairly capitalize on this similarity, thereby precluding any legitimate rights or interests in the disputed domain name.

Currently and at filing of the Complaint, the disputed domain name hosts a parked page featuring PPC links. Using a domain name to host a parked page with PPC links does not constitute a bona fide offering. This is especially true when such links compete with or capitalize on the reputation and goodwill of the Complainant’s mark or mislead Internet users. [WIPO Overview 3.0](#), section 2.9

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

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

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 a domain name in bad faith.

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

In the present case, the Panel notes that given the renown of the Complainant's mark and its incorporation into the disputed domain name, along with the addition of the abbreviation "sa" – hinting at the Complainant's corporate form – and a reference to technology, consistent with the Complainant's business – the Respondent was aware of the Complainant and its trademark rights upon registration. Furthermore, prior UDRP panels have consistently concluded that the registration of a domain name identical or confusingly similar to a well-known trademark by an unrelated entity typically indicates bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The Respondent has failed to provide any evidence of legitimate or intended use of the disputed domain name in good faith. Additionally, the absence of valid contact details (that has obstructed the Center's efforts to deliver written notices), and no response from the Respondent, together with the disputed domain name's direction to a webpage displaying PPC links relevant to the Complainant's industry and might confuse the Internet users that the services offered on that webpage are connected to or endorsed by Complainant, collectively support a finding that the disputed domain name was registered and used in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The Panel finds that the 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 <solvaysa-tech.com> be transferred to the Complainant.

*/Andrea Cappai/*

**Andrea Cappai**

Sole Panelist

Date: April 19, 2024