

ADMINISTRATIVE PANEL DECISION

Univar Solutions Inc. v. Name Redacted
Case No. D2024-1223

1. The Parties

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

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <univarcorporation.com> (the “Domain Name”) is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2024. On March 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 28, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name that differed from the named Respondent (On behalf of univarcorporation.com OWNER) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 28, 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 the same date.

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”).

¹The Respondent appears to have used the name of a third party when registering the Domain Name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the Domain Name, which includes the name of the Registrant disclosed by the Registrar. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has ordered that Annex 1 to this Decision not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2024. The Respondent did not submit a response. Accordingly, the Center notified the Respondent's default on April 23, 2024.

The Center appointed A. Justin Ourso III as the panelist in this matter on April 26, 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

The Complainant, an American corporation, is a publicly traded global chemical and ingredient distribution company, founded in 1924 and which has operated since the early 1970s under the name "Univar." The Complainant changed its name to Univar Solutions Inc., effective September 1, 2019.

The Complainant owns United States registration, No. 1,724,817, for its UNIVAR trademark, issued on October 20, 1992, with a first use in Class 1 in 1974 for chemicals and related goods, and for other goods and services in other classes and European Union registration, No. 002717809, for its UNIVAR trademark, issued on October 7, 2005, in Class 1 for chemicals and related goods, and in Class 35 for "Negotiation and settlement of commercial transactions as well as procurement of contracts for the purchase and sale of industrial and commercial chemicals" among other related services.

The Complainant owns the domain name <univarsolutions.com>, which it uses for its public-facing website at "www.univarsolutions.com," and the domain names <univar.com.ua> and <univar.ee>, among others.

The name of the Registrant of the Domain Name as disclosed by the Registrar matches the name of an employee of the Complainant and appears to be a situation of identity theft. The address in the Registrant contact details does not exist. The unidentified Respondent registered the Domain Name, using a privacy service, on August 17, 2023, without any authorization from the Complainant, and has used the Domain Name for email communications with a vendor or potential vendor of the Complainant. At one time prior to the filing of the Complaint, the Domain Name redirected to the Complainant's website at "www.univarsolutions.com." At the filing of the Complaint, it did not resolve to a webpage. During the preparation of this decision attempts to access the website did not resolve to a webpage and an attempt on one browser resulted in a DNS error notation in the resulting URL and a message that read "Sorry, the page you were looking for does not exist or is not available."

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 Domain Name. Notably, the Complainant contends that its UNIVAR mark is a distinctive identifier that consumers associate with its goods and services; the Domain Name does not resolve to an active webpage; the Respondent used the Domain Name in an email phishing scheme to pass off as an employee of the Complainant, using a fraudulent purchase order in attempt to obtain goods for its own commercial gain; and the Domain Name previously redirected to the Complainant's website, to mislead Internet users as to source, in conjunction with its phishing email impersonation scheme.

B. Respondent

The Respondent did not submit a response to the amended Complaint.

6. Discussion and Findings

A complainant must prove three elements to obtain relief: (i) the domain name is identical or confusingly similar to a trademark in which the complainant has rights; (ii) the respondent has no rights or legitimate interests in the domain name; and (iii) the respondent registered and is using the domain name in bad faith. Policy, paragraph 4(a).

A. Identical or Confusingly Similar

On the first element, the Panel finds that the Domain Name is confusingly similar to the Complainant's registered UNIVAR trademark. The trademark is readily recognizable within the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.7 and 1.8. Accordingly, the Panel concludes that the Complainant has proven the first element: the Domain Name is confusingly similar to a trademark in which it has rights.

B. Rights or Legitimate Interests

The Respondent has not claimed the existence of any circumstance under the Policy, paragraph 4(c), that demonstrates that a respondent has rights to, or legitimate interests in, a domain name. The Complainant, on the other hand, has shown that it established its trademark rights before the Respondent registered the Domain Name; it has not authorized the Respondent to use its trademark; the record contains no evidence that the Respondent is commonly known by the Domain Name; and the Respondent is passively holding the Domain Name, which does not resolve to a functioning site. These constitute prima facie showing that the Respondent lacks any rights or legitimate interests in the Domain Name under the Policy, paragraph 4(a)(ii), shifting the burden of production on this second element to the Respondent to come forward with relevant evidence proving rights or legitimate interests in the Domain Name. [WIPO Overview 3.0](#), section 2.1. The Respondent has not submitted any evidence to rebut the prima facie showing.

Additionally, the Panel finds that the Respondent masked its identity by using a privacy service; the Respondent provided false contact details, falsely identifying itself using the name of an employee of the Complainant; the Respondent provided an incorrect address to the Registrar; and the Respondent failed to provide any evidence of an actual or a planned *bona fide* commercial use or a noncommercial use of the Domain Name, or even to respond to the Complaint. [WIPO Overview 3.0](#), sections 2.13.2 and 2.5.3.

More importantly, the Panel finds that the Complainant has proven that the Respondent has impersonated a Complainant employee and used a fraudulent purchase order in an email phishing scheme using the Domain Name in an attempt to fraudulently misdirect a shipment of goods for the commercial gain of the Respondent. Panels have held categorically that use of a domain name for impersonation to perpetrate a fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13. Accordingly, the Panel concludes that the Complainant has proven the second element: the Respondent lacks rights or legitimate interests in the Domain Name.

C. Registered and Used in Bad Faith

The Respondent's impersonation of Complainant's employee in an attempt to perpetrate a fraud by misdirecting a shipment of goods to the Respondent for the account of the Complainant is *per se* illegitimate activity and a bad faith use of the Domain Name. [WIPO Overview 3.0](#), sections 3.1.4 and 3.4. This finding compels the Panel's conclusion that the Respondent (1) intentionally registered the Domain Name in bad faith to target the Complainant and (2) used the Domain Name in bad faith to impersonate the Complainant and disrupt the Complainant's business. [WIPO Overview 3.0](#), sections 3.1, 3.1.4, and 3.4. The findings that the Respondent used a privacy service, provided false contact information, and failed to submit a response to the Complaint support the conclusion of bad faith. [WIPO Overview 3.0](#), sections 3.2.1 and 3.6. Accordingly, the Panel concludes that the Complainant has proven the third element: the Respondent registered and is using the Domain Name in bad faith.

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 Domain Name <univarcorporation.com> be transferred to the Complainant.

/A. Justin Ourso III/

A. Justin Ourso III

Panelist

Date: May 7, 2024