

## ADMINISTRATIVE PANEL DECISION

### SOLVAY S.A. v. Name Redacted

### Case No. D2024-3481

#### 1. The Parties

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

The Respondent is Name Redacted.<sup>1</sup>

#### 2. The Domain Name and Registrar

The disputed domain name <solveycom.com> is registered with Squarespace Domains II LLC (the “Registrar”).

#### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 27, 2024. On August 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 28, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 30, 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 September 2, 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”).

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<sup>1</sup> The Respondent appears to have used the name of a third party when registering the disputed 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 disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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 September 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 23, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 24, 2024.

The Center appointed Adam Samuel as the sole panelist in this matter on October 7, 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 is a Belgian global chemicals company, founded in 1863 and headquartered in Brussels. It owns, among others, an European Union Trade Mark no. 000067801 for the word SOLVAY, registered on May 30, 2000. The Complainant registered the domain name <solway.com> on March 21, 1995, through which it promotes its products. The disputed domain name was registered on August 20, 2024. It does not resolve to an active website.

#### **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.

The disputed domain name is confusingly similar to its trademarks as it includes the term "solvey" which is almost identical to the Complainant's trademark SOLVAY followed by the letters "com" and the generic Top-Level Domain ("gTLD") ".com". It is common practice to disregard, in appropriate circumstances, the gTLD section of domain names for the purposes of comparison. The term "solvey" differs from the Complainant's trademark only by one letter. This is a typical case of typo-squatting. The misspelling is insufficient to avoid a finding of confusing similarity as the Complainant's mark is still recognizable in the disputed domain name.

The Respondent has not been commonly known by the disputed domain name and does not own any trademark corresponding to it. The Respondent has made fraudulent use of an email address derived from the disputed domain name to contact the Complainant's clients to alert them about a change in the Complainant's bank account details, using the Complainant's company and the name of people working for it.

The fact that the Respondent has chosen as a domain name a well-known trademark clearly indicates that the use and registration of the disputed domain was done in bad faith. The fraudulent use of an email address derived from the disputed domain name to contact the Complainant's clients is a decisive element of bad faith.

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

The Respondent has not replied to the Complainant's contentions

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

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

(i) the disputed domain name is identical or confusingly similar to a 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 disputed domain name consists of the Complainant's trademark SOLVAY with the "a" replaced by an "e", the addition of "com", and the gTLD ".com".

The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The addition of "com", being either a double-printing of the gTLD or an abbreviation for commerce, does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

Section 1.9 of the [WIPO Overview 3.0](#) says:

"A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.

This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. [...]"

For all these reasons, the disputed domain name is confusingly similar to the Complainant's mark.

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

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

The Respondent is not called "solveycom" or anything similar. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks. The Respondent does not appear to have used the disputed domain name for any legitimate purpose. Instead, it appears to be exploiting the Complainant's trademark in seeking to divert to the Respondent payments owed to the Complainant.

For these reasons, the Panel concludes that the Complainant has met this element. See section 2.1 of the [WIPO Overview 3.0](#).

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

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

This is a typosquatting case. As section 1.9 of the [WIPO Overview 3.0](#) notes about such cases:

"panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent [...] to confuse users seeking or expecting the complainant."

On August 20, 2024, the date on which it registered the disputed domain name, the Respondent wrote twice to one of the Complainant's customers using an email address derived from the disputed domain name and referring to the Complainant's business. The messages sought to divert to the Respondent payments due in the future to the Complainant. The emails supplied details of a new bank account into which payments to the Complainant were to be made. Attached to these messages was a letter purporting to be from the Complainant's bank confirming the new banking arrangements.

The Respondent registered the disputed domain name primarily for the purpose of disrupting the Complainant's business and in this case defrauding its customers. Under paragraph 4(b)(iii) of the Policy, this constitutes evidence of registration and use in bad faith.

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 <solveycom.com> be transferred to the Complainant.

*/Adam Samuel/*

**Adam Samuel**

Sole Panelist

Date: October 15, 2024