Decision for dispute CAC-UDRP-106937

Case number	CAC-UDRP-106937
Time of filing	2024-10-14 10:34:10
Domain names	basfcorp.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BASF SE

Complainant representative

Organization	Convey srl

Respondent

Name	Jim Campbell

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant relies on numerous registrations of the word mark BASF, including:

- International Mark no. 909293 registered on 31 October 2006 in classes 1-7, 9, 10, 12, 16-19, 22, 24, 25, 27-32, 35-37, 39, 41, 42 and 44 by BASF SE;

- EU Mark no. 005458518 registered on 5 November 2007 in classes 1-7, 9, 10, 12, 16-19, 22, 24, 25, 27-33, 35-37, 39, 41, 42, 44 by BASF AG;

- US Mark no. 3786543 registered on 11 May 2010 in classes 1-7, 9, 16-19, 22, 24, 27, 28, 31, 32, 35-37, 39, 41, 42 and 44 by BASF SE.

FACTUAL BACKGROUND

The Complainant's business was founded under the name Badische Anilin & Sodafabrik in Mannheim in 1865 and has become well known under the name and mark BASF. The Complainant or affiliated companies own numerous registrations of this mark, including those identified above. The Complainant's group has also owned since March 1995 the domain name <basf.com> which locates its principal website, and it uses the name BASF for its accounts on social and professional networks.

The disputed domain name was registered on 8 April 2024 and has been used by the Respondent to locate a website which is in a similar style to the Complainant's website and includes a sign-up page inviting Internet users to provide personal information and a password to obtain an account.

The Complainant's representative sent a cease and desist letter to the Respondent on 11 September 2024. Following this, the website mentioned above was de-activated, but there was no reply to the letter and the disputed domain name has not been transferred to the Complainant.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has registered rights in the mark BASF. The disputed domain name consists of this mark followed by the generic abbreviation "corp" and generic top level domain name suffix ".com". The Panel considers that it is confusingly similar to the Complainant's mark.

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Panel finds on the undisputed evidence that the Respondent has not used or made preparations to use the disputed domain name for a bona fide offering of goods or services, or for a legitimate non-commercial or fair use. The only use made of the disputed domain name has been in bad faith to divert Internet users seeking information about the Complainant's group by its confusing similarity to the Complainant's mark.

The Respondent is not commonly known by the disputed domain name or any corresponding name and has not been authorised by the Complainant to use it.

In these circumstances, the Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel finds on the undisputed evidence that the Respondent has used the disputed domain name to locate a website which impersonates the Complainant's website and includes an invitation to Internet users to sign up for an account by providing personal information and a password. The personal information collected would have value which could be monetised in a variety of ways.

In all the circumstances, the Panel infers on the balance of probabilities, that by using the disputed domain name, which is confusingly similar to the Complainant's mark, the Respondent intentionally attempted to attract Internet users to his website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source of this web site.

In accordance with paragraph 4(b)(4) of the Policy, this constitutes evidence of registration and use in bad faith. This presumption is not displaced any contrary evidence.

In these circumstances the Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

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The disputed domain name consists of Complainant's well-known, registered mark plus entirely generic elements. No bona fide or legitimate use by the Respondent, and the Respondent not commonly known by or authorised to use the disputed domain name. Bad faith use of disputed domain name to locate website impersonating complainant, including invitation to provide personal information to open an account. Paragraph 4(b)(iv) of the Policy applied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **basfcorp.com**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2024-11-22

Publish the Decision