Decision for dispute CAC-UDRP-107201

Case number	CAC-UDRP-107201
Time of filing	2025-01-02 10:21:27
Domain names	sabic-cn.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	SABIC GLOBAL TECHNOLOGIES B.V.

Complainant representative

Organization	Convey srl

Respondent

Organization	(Suzhou Shande Chenxin Trading Co., Ltd.)

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 is the owner of trademark registrations for SABIC including the following:

- International trademark registration No. 835528, registered on June 11, 2004; and
- International trademark registration No. 1125649, registered on May 23, 2012.

The designations of these registrations include China where the Respondent appears to be located.

FACTUAL BACKGROUND

The Complainant is a State-owned entity and one of the world's largest companies in the chemicals and petrochemicals sector. It was founded in 1976 by the royal decree of King Khalid of Saudi Arabia. In 2020, the Complainant became part of the Saudi Aramco family of companies following an acquisition. This partnership further strengthened the Complainant's position in the global chemicals market. The Complainant states that it has established a strong presence in China over the years, especially in its industrial and chemical sectors. It also formed joint ventures and partnerships with key Chinese companies such as FUJIAN Petrochemicals Co. Ltd. The Complainant was also authorised by the Chinese government to construct a petrochemical complex in China. Today, the Complainant is a key player in the global chemicals industry, with around 31,000 employees and serving

customers in over 140 countries.

The Complainant owns various domain names which comprise its SABIC trade mark, such as its official domain name <sabic.com>, registered on October 1, 1998.

The Complainant has a significant Internet presence under the SABIC name through its website and social media accounts on LinkedIn, YouTube, X (formerly known as Twitter), Facebook, Instagram, and Snapchat.

The Respondent is identified in the registration information as "(geng de gang) (geng de gang) of 21529 (Jiang su), (Suzhou), 215000, China".

The Respondent registered the disputed domain name on January 29, 2018. At the time of filing the Complaint, the disputed domain name redirected to a website which prominently displayed the Complainant's SABIC trade mark and purported to be a branch of or official website of the Complainant in China. The webpage reflected statements in Chinese to the effect that the company is an official SABIC authorized agent.

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 Complainant has, to the satisfaction of the Panel, shown the disputed domain name is 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 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 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 language of the registration agreement is Chinese. The Complainant requested that the language of proceedings be English.

Having considered all circumstances of the case, the Panel has decided that it would be fair and equitable to all parties to have the language of the proceedings be English as:

- the disputed domain name consists of Latin characters, which suggests that the Respondent possesses a certain level of mastery of the English language;
- the Respondent replied to the Complainant's representative's cease-and-desist letter in English, demonstrating that he has familiarity with the English language;
- conducting the proceedings in English is unlikely to heavily burden the Respondent; and

- requiring the Complainant to translate the Complaint into Chinese would involve further expense and delay to the proceedings, which would be unfair to the Complainant.

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

PRINCIPAL REASONS FOR THE DECISION

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The Complainant has provided evidence that it owns registered trademark rights in the SABIC trade mark.

The disputed domain name contains the entirety of the Complainant's SABIC trade mark with the addition of the suffix "-cn". "Cn" is a well-known abbreviation for "China" and is descriptive in nature, considering that the disputed domain name resolves to a website purports to promote the Complainant's SABIC products in China. The addition of the term "-cn" does not prevent a finding of confusing similarity but in fact adds to the confusion with the Complainant's trade mark. See section 1.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0").

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once a complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed domain name.

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. The Complainant provided evidence that it owns trademark rights in the SABIC mark long before the disputed domain name was registered. The Respondent is not affiliated with the Complainant and was not licensed or otherwise authorized by the Complainant to use the Complainant's SABIC trade mark or to register it in a domain name. There is no evidence that the Respondent has been commonly known by the disputed domain name.

The Respondent did not submit a formal Response and did not provide any explanation or evidence to show he has rights or legitimate interests in the disputed domain name which would be sufficient to rebut the Complainant's prima facie case.

Moreover, on December 13, 2024, the Respondent sent an email in reply to the Complainant's cease and desist correspondence of December 11, 2024, apologizing for the "contents on [the] website" and stating, inter alia, that "[they] had informed [their] website management company [to] switch off both links". The Respondent did not claim to have trademark or other rights or legitimate interests in the disputed domain name containing the SABIC trade mark. He only sought to excuse himself by saying that "we are a trader of Sabic in China, we only want to extend and develop Sabic product marketing in China, this is our original intention".

The Respondent failed to rebut the Complainant's prima facie case showing he has rights or legitimate interests in the disputed domain name. The evidence shows the misappropriation of the Complainant's SABIC trade mark on the Respondent's website and the Respondent's misrepresentation of itself as authorized distributors or agents of the Complainant's products. Such false suggestion of affiliation with the Complainant cannot be considered fair use of the disputed domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must also show that the Respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)).

The SABIC mark is a distinctive and well-known trade mark in the relevant sector, having been used for many years across many jurisdictions. The trademark is exclusively associated with the Complainant and it would be hard to conceive of any good faith registration and use of the disputed domain name which incorporates the SABIC mark.

The disputed domain name resolves to an active webpage, which is purportedly operated by an entity called "Suntek Plastics". The

webpage displays the Complainant's SABIC trade mark and it is clear from the Respondent's email of December 13, 2024 that the Respondent was well aware of the Complainant and its SABIC trade mark. The Respondent used the disputed domain name to mislead Internet users into thinking that the company Suntek Plastics is an agent or authorized distributor of the Complainant's SABIC products. The Panel also draws a negative inference from the fact that the Respondent provided a false or inaccurate address and failed to file a Response in this proceeding.

The Panel is persuaded that the circumstances of this case fall within the ambit of what is described in paragraph 4(b)(iv) of the Policy, i.e.

"by using the domain name, [the Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [his] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [his] web site or location or of a product or service on [his] web site or location".

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **sabic-cn.com**: Transferred

PANELLISTS

Name	**Francine Tan**

DATE OF PANEL DECISION 2025-02-03

Publish the Decision