Decision for dispute CAC-UDRP-106308

Case number	CAC-UDRP-106308
Time of filing	2025-01-30 09:47:20
Domain names	molgroup-tender.com, molgroup-supplychain.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	MOL Magyar Olaj- és Gázipari Nyilvánosan Működő Részvénytársaság

Complainant representative

Organization	OPLgunnercooke Assosiation of Law Firms

Respondents

Name	Ian Bullock
Name	Shaneka Burks

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 names.

IDENTIFICATION OF RIGHTS

The Complainant has evidenced to be the owner of various trademarks relating to its company name and brand MOLGROUP, including, but not limited to the following:

Word/device trademark MOLGROUP, European Union Intellectual Property Office (EUIPO), registration No.: 018735962, registration date: March 3, 2023, status: active.

Also, the Complainant has substantiated to own since 2006 the domain name <molgroup.hu >, which resolves to the Complainant's main website at "www.molgroup.hu", used to promote the Complainant's products and related services in the oil and gas industry.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names 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 names are 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 Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain names (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 names have been registered and are 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

First, the Panel has accepted this single Complaint relating to two disputed domain names registered by two different Respondents given that e.g. (1) both disputed domain names were set up in a similar way by combining the Complainant's entire MOLGROUP trademark with other descriptive terms, and (2) both disputed domain names were registered in a close temporal connection through the same Registrar by using similar contact information which refer to a former employee of the Complainant, allowing this Panel to conclude that both domain names are subject to some common control (paragraph 3(c) of the Rules).

Second, the Panel finds that the disputed domain names <molgroup-tender.com> as well as <molgroup-supplychain.com> both are confusingly similar to the Complainant's MOLGROUP trademark, as they incorporate the latter entirely, simply added by the descriptive terms "tender" and "supply chain", respectively. Numerous UDRP panels have recognized that where a domain name incorporates a trademark in its entirety, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered at least confusingly similar to that trademark. Also, it has been held in many UDRP decisions and has meanwhile become a consensus view among UDRP panels that the mere addition of descriptive or other terms, such as e.g. the terms "tender" and "supply chain", is not capable to dispel the confusing similarity arising from the entire incorporation of the Complainant's MOLGROUP trademark in the disputed domain names.

Therefore, the Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

Third, the Complainant contends, and the Respondents have not objected to these contentions, that the Respondents have neither made use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services, nor are the Respondents commonly known under the disputed domain names, nor are the Respondents making a legitimate noncommercial or fair use of the disputed domain names without intent for commercial gain. The Respondents have not been licensed or otherwise authorized to use the Complainant's MOLGROUP trademark, either as a domain name or in any other way. Also, there is no reason to believe that the Respondents' names somehow correspond with the disputed domain names and the Respondents do not appear to have any trademark rights associated with the term "molgroup" on their own. Finally, the Complainant has demonstrated that, while the disputed domain names resolved at some point before the filing of the Complainant to an error page, MX servers have been activated at least for the disputed domain name <molgroup-supplychain.com> for the purpose of sending unauthorized/illegal emails thereunder, thereby impersonating the Complainant. Such making use of the disputed domain name <molgroup-supplychain.com>, obviously in a fraudulent manner, neither qualifies as a bona fide nor as a legitimate noncommercial or fair use under the UDRP and may not of itself confer rights or legitimate interests therein. In addition, and in respect of the disputed domain name <molgroup-tender.com> which apparently has been passively held by the Respondents instead, UDRP panels have found that the mere registration of a domain name does not by itself automatically confer rights or legitimate interests therein, either.

Accordingly, the Panel finds that the Respondents have no rights or legitimate interests in respect of the disputed domain names,

and that, therefore, the Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

Finally, the Panel holds that the disputed domain names were registered and are being used by the Respondents in bad faith. It is obvious from the circumstances to this case that the Respondents were perfectly aware of the Complainant's business and its rights in the MOLGROUP trademark when registering the disputed domain names, and that the latter are directly targeting such trademark. Moreover, activating MX servers under the disputed domain name <molgroup-supplychain.com> for the purpose of sending unauthorized/illegal emails thereunder, thereby impersonating the Complainant, is inconceivable of being of a good faith nature. Accordingly, such circumstances are evidence of registration and use of the disputed domain name <molgroup-supplychain.com> in bad faith within the larger meaning of paragraph 4(b)(iv) of the Policy. In addition, and in respect of the disputed domain name <molgroup-tender.com> which apparently has been passively held by the Respondents instead, the Panel, having looked at the totality of the circumstances in this case, notes both the distinctiveness of the Complainant's MOLGROUP trademark as well as the composition of the disputed domain name (which reproduces such trademark entirely, simply added by the term "tender"), rounded up by the Respondents' sending of unauthorized/illegal emails under the parallel disputed domain name <molgroup-supplychain.com>, and so concludes that in the circumstances of this case the passive holding of the disputed domain name <molgroup-tender.com> does not prevent a finding of bad faith under the Policy.

Therefore, the Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **molgroup-tender.com**: Transferred
2. **molgroup-supplychain.com**: Transferred

PANELLISTS

Name	**Stephanie Hartung**

DATE OF PANEL DECISION 2025-03-05

Publish the Decision