Decision for dispute CAC-UDRP-107247

Case number	CAC-UDRP-107247
Time of filing	2025-02-18 10:39:59
Domain names	nextchemgroup.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	MAIRE S.P.A.

Complainant representative

Organization	Barzanò & Zanardo S.p.A.

Respondent

Name	daniel mischler

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 the trademark NEXTCHEM, which is registered as a trademark for its products and services worldwide, such as the European figurative trademark NEXTCHEM, registered on 15 August 2019, under number 018018736, for goods and services in classes 1, 4, 7, 11, 17, 35, 36, 37, 41 and 42.

FACTUAL BACKGROUND

According to the Complainant, Maire S.p.A, is an Italian corporate group active in the fields of engineering, technology and energy, with a specific expertise in plant engineering (particularly in the hydrocarbon sector), green chemistry and development of technologies for the energy transition. The Complainant asserts that on 30 September 2024, it employed around 9,300 people, is active in 45 countries and controls 50 operating companies and that, in the first 9 months of the year 2024, it generated a turnover of 4.3 billion Euro, registering a 23% growth over the previous year.

The Complainant states that in 2018, its subsidiary Nextchem S.p.A. was incorporated. According to the Complainant, Nextchem S.p.A. is its focal point for green chemistry and energy transition and is dedicated to sustainable technology solutions.

The Complainant is the owner of two domain names comprising the mark NEXTCHEM, namely the domain names <nextchem.com> registered on 20 November 2012 and <nextchem.it> registered on 27 September 2018.

The disputed domain name <nextchemgroup.com> was registered on 16 May 2024. The Complainant demonstrates that the website that is operated under the disputed domain name resolves to a parked page from the Registrar, containing links to third parties' websites, and offering a brokerage service for purchasing the disputed domain name.

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 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 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 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

1. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

According to the Complainant, the disputed domain name incorporates in full the Complainant's NEXTCHEM trademark, followed by the descriptive term 'group'. The Complainant asserts that the addition of the term 'group' does not prevent a finding of confusing similarity.

The generic Top-Level Domain extension of the disputed domain name, in this case ".com", is typically disregarded under the confusing similarity test, as it is a standard requirement for registration.

Therefore, the Complainant concludes, and the Panel agrees, that the disputed domain name is confusingly similar to the Complainant's trademark.

2. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant states that the Respondent is not related with nor authorized by the Complainant to make any use of the Complainant's trademark, or apply for registration of the disputed domain name. Moreover, the Complainant asserts that, to the best of the Complainant's knowledge, the Respondent is not commonly known by the disputed domain name. The Complainant demonstrates that a trademark search on the "TMView" database, which shows details of trademark applications or registrations in numerous countries around the world, revealed no NEXTCHEM marks other than those of the Complainant.

According to the Complainant, the disputed domain name is not used in connection with a bona fide offering of goods or services. The Respondent is not making a legitimate non-commercial or fair use of the disputed domain name and, to the best of the Complainant's knowledge, there are no preparations to use the disputed domain name in such ways.

In addition, the Complainant argues that the nature of the disputed domain name, incorporating the Complainant's NEXTCHEM mark followed by the descriptive term "group" clearly referring to the corporate structure of the Complainant, carries a high risk of implied affiliation and cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant.

The Complainant further demonstrates that the website that is operated under the disputed domain name resolves to a parked page from the Registrar, containing links to third parties' websites, and offering a brokerage service for purchasing the disputed domain name. The Complainant states that such use of a domain name to host a parked page comprising pay-per-click links does not represent a bona fide offering where such links compete with, or capitalize on the reputation and goodwill of the Complainant's mark or otherwise mislead Internet users. According to the Complainant, the Respondent is impersonating the Complainant through the disputed domain name, in order to mislead Internet users, to attract them to its online presence and benefit from clicks on the sponsored links or the sale of the disputed domain name.

The Panel finds that the Complainant has shown that the Respondent has not made legitimate use of the disputed domain name for a bona fide offering of goods or services. In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the domain name.

3. The disputed domain name is registered and is being used in bad faith

The Complainant argues that its NEXTCHEM mark is highly distinctive, as it consists of a coined word unrelated to the Complainant's activity, and is renowned in its field. The Complainant states that a quick Internet search using the keyword "nextchem" only reveals results associated with the Complainant and its subsidiary Nextchem S.p.A.

Furthermore, the Complainant believes that the Respondent did not register the disputed domain name by coincidence, but that it was well aware of the Complainant and its mark when it registered the disputed domain name. The Complainant asserts that the domain name is misleading for those seeking information on the Internet about the Complainant or its group.

The Complainant further demonstrates that the disputed domain name resolves to the Registrar's parked page containing links to third parties' commercial websites. The Complainant asserts that, for each click on these links, the Respondent could be earning a fee. Also, the parked page linked to the disputed domain name apparently offers a brokerage service to attempt to purchase the disputed domain name.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **nextchemgroup.com**: Transferred

PANELLISTS

Name	**Tom Heremans**

DATE OF PANEL DECISION 2025-03-28

Publish the Decision