Decision for dispute CAC-UDRP-107382

Case number	CAC-UDRP-107382
Time of filing	2025-03-07 09:53:45
Domain names	arkema-nl.com, arkema-nederland.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARKEMA FRANCE

Complainant representative

Organization	IN CONCRETO

Respondents

Organization	web Company
Name	Web Master

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 is the owner of several international trademark registrations for the wording “ARKEMA”, including:

- The International registration ARKEMA N° 847865 filed on November 30, 2004 in classes 1, 2, 3, 4, 5, 16, 17, 37, 38, 39, 40, 41, 42 and 45, covering a wide range of Countries;
- The EUTM registration ARKEMA N°004181731 filed on December 8, 2004 in classes 1, 2, 3, 4, 5, 7, 9, 11, 12, 16, 17, 19, 20, 22, 25, 27, 35, 36, 37, 38, 40, 41, 42.
- The US registration ARKEMA N°3082057 filed on December 16, 2004 in classes 1, 2, 3, 4, 5, 16, 17, 41, 42, 45.

The Complainant also owns the domain name <arkema.com>, registered on May 21, 2001.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant states that it is a French company which is using ARKEMA as business name and distinctive sign since the early '00s, offering a wide range of products such as paints, adhesives, coats, glue and fiber at national and international level; the Complainant is present in 55 countries through the world for a global amount of 151 productions plants, with over 21.100 employees and approximatively € 9.5 billion sales.

The Complainant further states that it is the owner of the trademark “ARKEMA” since 2004 and of the domain name <arkema.com> since 2001.

The disputed domain names <arkema-nl.com> and <arkema-nederland.com> were registered on January 14, 2025 and July 1, 2024 respectively; <arkema-nl.com> has been used in connection with a fraudulent email scheme, while <arkema-nederland.com> seems to be connected with other domain names registered in bad faith by the Respondent and transferred to the Complainant following UDRP complaints.

PARTIES CONTENTIONS

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.

Preliminary Issue - Consolidation: Multiple disputed domain names

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In this respect, the Panel notes that the disputed domain names have:

1) the very same structure (reproduction of Complainant trademark ARKEMA without any alteration + hyphen + geographical term referring to the Netherlands + the identical extension .com);

2) almost identical Registrant names (WEB COMPANY / WEB MASTER) and Registrant e-mails (scmserver85@gmail.com / scmwebnet@gmail.com);

3) a US Registrar;

It should be noted that the Registrant for <arkema-nl.com> is Renji Kuruvilla, the same person that originally registered and fraudulently used other domain names recognized as a violation of the Complainant's rights in past UDRP complaint (<arkema-bv.com> and <arkemagroup-eu.com>), while on <arkema-nederland.com> a messaging server is created with IP addresses that are identical to the ones that were configured with the two previous domain names <arkema-bv.com> and <arkemagroup-eu.com>.

The Respondent has not replied to the Complaint.

The Panel sees no reason why consolidation of the disputed domain names would be unfair or inequitable to any Party, and resolves the case against the Respondent with regard to both disputed domain names.

PRINCIPAL REASONS FOR THE DECISION

THE DISPUTED DOMAIN NAMES ARE IDENTICAL OR CONFUSINGLY SIMILAR TO THE COMPLAINANT`S TRADEMARK

The disputed domain names are confusingly similar to the ARKEMA trademark, as they all incorporates it in their entirety, with the mere addition of geographical terms such as “-nl” and “-nederland” which are not sufficient to avoid the likelihood of confusion and, on the contrary, emphasize the link with the Complainant and its Dutch subsidiary ARKEMA BV).

As a matter of fact, such variations do not change the overall impression of the designation as being connected to the Complainant’s trademark (“a domain name that wholly incorporates a Complainant’s registered trademark may be sufficient to establish confusing similarity for purposes of the UDRP”, see WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin).

* * *

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAMES

According to the information provided by the Complainant, the Respondent is not affiliated nor authorized by the Complainant in any way. Likewise, the Complainant neither licensed nor authorized the Respondent to make any use of its trademark ARKEMA, or to apply for registration of the disputed domain names on behalf of the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

It is undeniable that the Complainant is only required to make out a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain names. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain names. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Given all the above and taking into account the fact that the Respondent did not provide any response within the present proceeding, the Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in the disputed domain names.

* * *

THE DISPUTED DOMAIN NAMES HAVE BEEN REGISTERED AND ARE BEING USED IN BAD FAITH

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain names in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain names.

As for <arkema-nl.com>, such disputed domain name has proven to be used in connection with an email fraudulent scheme, with the Respondent clearly impersonating the Dutch subsidiary ARKEMA BV and even issuing fake fraudulent proforma invoices; as anticipated, Renji Kuruvilla-web Company already filed and illegally used in the past other domain names subject to UDRP complaints and violating the ARKEMA trademark (<arkema-bv.com> and <arkemagroup-eu.com>) for the very same reasons - fraud and passing off.

For what concerns <arkema-nederland.com>, it has been proven that such disputed domain name is officially related to the above previous domain names <arkema-bv.com> and <arkemagroup-eu.com> thanks to the retrieved IP addresses.

There is no doubt the registration and use of the disputed domain names are highly prejudicing for the Complainant, as the Respondent of this deceptive and misleading domain names is using the company name and trademarks of the Complainant in a bad faith manner and with a clear pattern of conduct in mind.

Since the Respondent has not replied to the Complaint and did not provide any plausible actual or contemplated active use of the disputed domain names that would not be illegitimate - such as by being a passing off - the Panel believes that both the disputed domain names were registered and are being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arkema-nl.com**: Transferred
2. **arkema-nederland.com**: Transferred

PANELLISTS

Name	**Tommaso La Scala**

DATE OF PANEL DECISION 2025-04-14

Publish the Decision