Decision for dispute CAC-UDRP-107333

Case number	CAC-UDRP-107333
Time of filing	2025-02-28 09:37:06
Domain names	LYONDELLBASELLL.COM

Case administrator

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

Complainant

Organization	LyondellBasell Industries Holdings B.V.

Complainant representative

Organization	Barzanò & Zanardo Milano S.p.A.

Respondent

Organization	The Network Chef

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 submitted evidence that it is the registered owner of the following trademark registrations:

- US trademark No. 3634012 for "LYONDELLBASELL" (word mark), registered since 7 May 2008 in classes 1, 4, 17, 35, and 42;
- US trademark No. 5096173 for "LYONDELLBASELL" (device mark), registered since 6 March 2015 in classes 1, 4, 17, 42, and 45;
- European Union Trademark No. 006943518 for "LYONDELLBASELL" (word mark), registered since 16 May 2008 in classes 1, 4, 17, 42, and 45;
- European Union Trademark No. 013804091 for "LYONDELLBASELL" (device mark), registered since 6 March 2015 in classes 1, 4, 17, 42, and 45.

The Complainant also provided evidence of its ownership of domain names incorporating the "LYONDELLBASELL" trademark, including <lyondellbasell.com>, registered since 23 October 2007.

FACTUAL BACKGROUND

The Complainant is part of the LyondellBasell Group, a multinational chemical company with roots dating back to 1953. The company is a leading manufacturer of plastics, chemicals, and refining products, and is the largest licensor of polyethylene and polypropylene technologies globally. In 2020, LyondellBasell generated $4.9 billion in income from continuing operations and employed over 13,000 people worldwide.

The disputed domain name was registered on 8 February 2025 through a privacy protection service. The disputed domain name has been configured with MX (mail exchange) records.

The Registrar confirmed that the Respondent is the current registrant of the disputed domain name and that the language of the registration agreement is English.

The Respondent has not filed a Response.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

The Complainant contends the following:

1. Identical or Confusingly Similar: The disputed domain name is confusingly similar to the Complainant's "LYONDELLBASELL" trademark. It incorporates the trademark in its entirety with the mere addition of an extra letter "l" at the end.
2. Rights or Legitimate Interests: The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not authorised the Respondent to use its trademarks, and there is no evidence that the Respondent is commonly known by the disputed domain name. The domain name resolves to a parking page and is set up to send e-mails, indicating potential use for phishing, which is not a bona fide offering of goods or services.
3. Registered and Used in Bad Faith: The Complainant asserts that the Respondent registered and uses the disputed domain name in bad faith. Given the distinctiveness and reputation of the "LYONDELLBASELL" trademark, the Respondent must have been aware of the Complainant's rights. The use of a privacy protection service, inactive website, and configuration of MX records suggest the disputed domain name may be used for malicious purposes such as phishing or storage spoofing.

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

This is a proceeding pursuant to Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") and the CAC Supplemental Rules.

Paragraph 15 of the Rules provides that the Panel shall decide the complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

According to Paragraph 4(a) of the Policy, a complainant must prove each of the following: (A) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; (B) the respondent has no rights or legitimate interests in respect of the domain name; (C) the domain name has been registered and is being used in bad faith.

(A) Identical or confusingly similar domain name

The Complainant demonstrated that it owns the asserted trademark registrations for the mark "LYONDELLBASELL", which were registered long before the disputed domain name. It is well established that a nationally or regionally registered trademark confers on its owner sufficient rights to satisfy the requirement of having trademark rights for standing to file a UDRP case. Therefore, the Panel finds that the Complainant has established such rights.

The disputed domain name incorporates the Complainant's trademark "LYONDELLBASELL" in its entirety, with the addition of an extra letter "l" at the end. Such a minor alteration, which users can easily overlook, does not prevent a finding of confusing similarity.

It is well established that the generic top-level suffix may be disregarded when considering whether a disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

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

(B) Lack of rights or legitimate interests

The Respondent has not filed a Response and has neither provided any other information that would oppose the Complainant's allegations. Therefore, the Panel holds that the Complainant successfully presented its prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name.

In particular, the Respondent is not connected with the Complainant, nor is it authorised to use the Complainant’s trademark. In addition, the Respondent is not commonly known by the disputed domain name pursuant to Paragraph 4(c)(ii) of the Policy. Furthermore, it was demonstrated by evidence submitted by the Complainant that the disputed domain name has not been used for a bona fide offering of goods or services or a legitimate non-commercial or fair use. The disputed domain name resolves to a parking page and has been configured with MX records, suggesting potential malicious use rather than a bona fide offering of goods or services.

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

(C) Registration and use of the disputed domain name in bad faith

Concerning the bad faith argument, the Complainant essentially states that:

1. the Respondent registered the disputed domain name confusingly similar to the Complainant’s well-known trademarks;
2. the Respondent must have had actual knowledge of the Complainant and its rights;
3. the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website, by creating a likelihood of confusion with Complainant and its trademarks;
4. the disputed domain name is not actively used;
5. the information provided in the WHOIS is prima facie incorrect;
6. the Respondent has configured MX records for the disputed domain name, enabling e-mail functionality.

The Panel has already found that the disputed domain name is confusingly similar to the Complainant's trademark "LYONDELLBASELL". It is well established that the mere registration of a domain name that is confusingly similar to a trademark by an unaffiliated entity can lead to the presumption of bad faith.

In addition, the Panel believes that the Complainant submitted evidence that sufficiently demonstrates the Respondent must have been aware of the existence of the Complainant, its well-known trademarks, and its domain names. It is difficult to find any good faith reason for the registration of the disputed domain name by the Respondent, other than for the purposes of typo-squatting, phishing or other malicious activities.

With that in mind, the Panel concludes that several signs of bad faith in registering and use of the disputed domain name by the Respondent can be found in this case. Therefore, the Panel finds that the disputed domain name has been registered and has been used by the Respondent in bad faith.

In conclusion, the Panel finds that all three elements required by Paragraph 4(a) of the Policy were met and makes the following

decision.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **LYONDELLBASELLL.COM**: Transferred

PANELLISTS

Name	**Vojtěch Chloupek**

DATE OF PANEL DECISION 2025-04-24

Publish the Decision