Decision for dispute CAC-UDRP-107484

Case number	CAC-UDRP-107484
Time of filing	2025-04-14 10:14:28
Domain names	sodamco.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Saint-Gobain Middle East Holding SAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	cong jiang

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 proved to be the owner of the trademark SODAMCO, European Union trademark reg. no. 6299952 filed on September 21, 2007.

FACTUAL BACKGROUND

I - The Complainant

the Complainant is active in the production and distribution of chemical products.

II - The Respondent

The Respondent is Cong Jiang. The disputed domain name was registered on October 28, 2024 and redirects to an inactive page.

PARTIES CONTENTIONS

I – Complainant´s Contentions

As regards the first element of the Policy, the Complainant supports that the disputed domain name <sodamco.com> is identical to its prior rights on the trademark SODAMCO.

As regards the second element of the Policy, the Complainant supports that the Respondent has no rights or legitimate interests in registering and using the disputed domain name.

As regards the third element of the Policy, the Complainant considers that, given the distinctiveness of SODAMCO, the Respondent registered the disputed domain name with full knowledge of the Complainant's rights on the trademark SODAMCO.

II – Respondent´s Contentions

The Respondent did not reply to the complaint.

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 confusingly similar to a trademark in which the Complainant has rights.

The Complainant has successfully proved to be the owner of the trademark SODAMCO.

The disputed domain name is <sodamco.com>.

The Panel finds that the disputed domain name is identical to the prior trademark SODAMCO.

According to a consolidated case law in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in it, the confusing similarity threshold is met.

Furthermore, the addition of gTLD is generally disregarded in view of its technical function.

As a consequence, the Panel finds that the disputed domain name is identical to the Complainant's trademark, for the purposes of the First Element of the Policy.

2. The Respondent lacks rights or legitimate interests in the disputed domain name.

Pursuant to paragraph 4(a)(ii) of the Policy, a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests in the domain name. Once such a prima facie case is made, the respondent carries the burden of demonstrating its rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

In this case, the Panel finds that the Complainant's submitted evidence and allegations are sufficient to establish a prima facie case of Respondent's lack of rights and legitimate interests in the disputed domain name also in the view of the fact that the Respondent did not reply to the complaint.

On the basis of the information submitted by the Complainant and not contested, the Panel agrees that the Respondent is not commonly known by the disputed domain name nor has the Complainant authorized the Respondent to use and register the disputed domain name.

The Panel finds that the lack of use of the disputed domain name confirms the absence of a bona fide offering of goods / services or a legitimate / fair use of <sodamco.com>.

For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain name for the purposes of the Policy.

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

The Panel finds the following circumstances as material in order to establish the Respondent's bad faith in the registration of the disputed domain name:

(i) the disputed domain name was registered well after the Complainant acquired rights on the trademark SODAMCO;

(ii) SODAMCO is a distinctive trademark and a made-up word; thus, it is hard to see how the Respondent could use the disputed domain name in a way that it would not infringe the Complainant's trademark rights.

(iii) the disputed domain name is identical to the trademark SODAMCO. A consistent case law considers that domain names identical to the complainant's trademark carry a high risk of implied affiliation, which supports the finding of bad faith in registration.

The fact that the disputed domain name is not used does not exclude the finding of "use in bad faith" for the purpose of the Policy. In support of bad faith the Panel considers relevant the following factors:

(i) the degree of distinctiveness of the trademark SODAMCO;

(ii) the failure of the Respondent to reply to the Complainant or to provide any evidence of actual or contemplated good-faith use;

(iii) the implausibility of any good faith use to which the domain name may be put given the distinctiveness of the SODAMCO trademark and the fact that <sodamco.com> was registered by the Respondent following a lack of renewal by the Complainant.

All above considered the Panel finds the evidence submitted as sufficient to prove use and registration in bad faith of the disputed domain name for the purposes of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **sodamco.com**: Transferred

PANELLISTS

Name	**Andrea Mascetti**

DATE OF PANEL DECISION 2025-05-17

Publish the Decision