Decision for dispute CAC-UDRP-107543

Case number	CAC-UDRP-107543
Time of filing	2025-07-15 09:36:55
Domain names	lyondelibasell.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	LyondellBasell Industries Holdings B.V.

Complainant representative

Organization	Barzanò & Zanardo Milano S.p.A.

Respondent

Organization	Domains By Proxy, LLC

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

According to the evidence submitted by Complainant, Complainant is the owner of multiple trademarks for LYONDELLBASELL, including the trademark LYONDELLBASELL (wordmark), no. 77467965 registered with the United States Patent and Trademark Office, registration date 9 June 2009.

FACTUAL BACKGROUND

According to the information provided the disputed domain name <lyondelibasell.com> was registered on 8 June 2025.

According to the information provided by Complainant the disputed domain name currently does not resolve to an active website. In addition MX records have been set up.

PARTIES CONTENTIONS

Complainant:

Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

According to the evidence submitted by Complainant, Complainant is the third largest plastics, chemicals and refining company and the largest licensor of polyethylene and polypropylene technologies in the world. Complainant has over 20,300 employees around the globe and manufactures at 75 sites in 20 countries. Its products are sold into over 100 countries.

Complainant submits that the disputed domain name is confusingly similar to Complainant's trademark. According to Complainant the only difference between the LYONDELLBASELL trademark and the disputed domain name is represented by the substitution of one letter, the third and final “l” of the LYONDELL part of the trademakr with an “i”. Such difference neither effects the attractive power of the trademark, nor is sufficient to prevent the finding of confusing similarity between the disputed domain name and Complainant’s mark, but even enhances the likelihood of confusion as it is clearly a typo.

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According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Complainant submits that it has no relationship with Respondent whatsoever. Respondent has never received any approval from Complainant, express or implied, to use its trademark or any other mark identical or confusingly similar to such marks, nor to register any domain name identical or confusingly similar to such mark. There is no evidence that Respondent has acquired any rights in a trademark or trade name corresponding to the disputed domain name.

Complainant further asserts that the disputed domain name previously redirected to a parking page with sponsored links and that it is set up to send emails, therefore indicating that they have been registered to be involved in phishing activities/storage spoofing. Such use of the disputed domain name is clearly not a bona fide, legitimate or fair use under the UDRP Policy.

Respondent:
No administratively compliant Response has been filed.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the relevant trademark is recognizable within the disputed domain name. Complainant has established that it is the owner of a trademark registration for LYONDELLBASELL. The substitution of the third letter "l" of the trademark by the letter "i" in the disputed domain name, is insufficient to avoid a finding of confusing similarity. The Top-Level Domain ("gTLD") ".com" in the disputed domain name may be disregarded.
The Panel notes that Complainant's registration of its trademark predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent.

In the view of the Panel, this case is a typical case of "typosquatting" which does not confer any rights or interest in the disputed domain name. In addition, the current non-use of the disputed domain name does represent a bona fide offering of goods or services. The Panel also takes into account that, according to the undisputed submission of Complainant, the disputed domain name previously resolved to a parking page with sponsored links, which cannot be considered a bona fide offering of goods and services. Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Complainant has rights in the LYONDELLBASELL trademark. Respondent knew or should have known that the disputed domain name included Complainant's well-known mark. The Panel notes the undisputed submission of Complainant that the disputed domain name currently does not resolve to an active website. It is well established that non-use of a domain name does not prevent a finding of bad faith use under the doctrine of passive holding (see section 3.3. of the WIPO Overview 3.0). The undisputed submission that there are several active MX records connected to the disputed domain name suggests that it is unlikely that Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.

The Panel finally notes that the disputed domain name incorporates a typosquattting version of Complainant's well-known trademark, which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lyondelibasell.com**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2025-08-11

Publish the Decision