Decision for dispute CAC-UDRP-107874

Case number	CAC-UDRP-107874
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Domain names	lyondell-basells.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	LyondellBasell Industries Holdings B.V.

Complainant representative

Organization	Barzanò & Zanardo S.p.A.

Respondent

Name	ferreira margue

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, LyondellBasell Industries Holdings B.V., is the owner of the well-known trademark LYONDELLBASELL in several classes worldwide, including:

-US Trademark Reg. No. 3634012, registered on May 7, 2008, in classes 1, 4, 17, 35, 42, and
-European Union Trademark (EUTM) Reg. No. 006943518, registered on May 16, 2008, in classes 1, 4, 17, 42, 45.

FACTUAL BACKGROUND

“LyondellBasell Group” (referred to as LyondellBasell) is a multinational chemical company with European and American roots dating back to 1953, when its predecessor company’s scientists, Professor Karl Ziegler and Giulio Natta, jointly awarded the Nobel Prize in Chemistry in 1963, made groundbreaking discoveries in the creation of polyethylene (PE) and polypropylene (PP). Since then, LyondellBasell has become the third largest plastics, chemicals, and refining company, as well as the largest licensor of polyethylene and polypropylene technologies worldwide.

The Complainant employs more than 20,300 people globally and operates 75 manufacturing sites across 20 countries, with its products sold in approximately 100 countries. According to its 2024 annual report, LyondellBasell generated USD 1.4 billion in net income and EBITDA of USD 4.3 billion. LyondellBasell has been listed on the New York Stock Exchange since 2010. On December

20, 2017, the company celebrated the tenth anniversary of the merger of Lyondell Chemical Company and Basell AF SCA, a transaction that created one of the largest plastics, chemicals, and refining companies in the world. LyondellBasell Group comprises a number of affiliated companies, all under the ultimate control of LyondellBasell Industries N.V., headquartered in the Netherlands.

The disputed domain name was registered on January 27, 2025, and resolves to a webpage hosting multiple third-party links.

PARTIES CONTENTIONS

COMPLAINANT:

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

i) The Complainant has rights in the LYONDELLBASELL mark as identified in the section “Identification of Rights.” The disputed domain name is confusingly similar to the Complainant’s LYONDELLBASELL mark because it incorporates the LYONDELLBASELL mark with the mere addition of the final letter “s,” which constitutes clear and deliberate typosquatting.

ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no relationship with the Complainant, nor has the Complainant ever granted the Respondent any rights to use the LYONDELLBASELL trademark in any form, including in the disputed domain name. There is no evidence that the Respondent has acquired any rights in a trademark or trade name corresponding to the disputed domain name. The Respondent does not use the disputed domain name for any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. Instead, the disputed domain name does not resolve to an active website, but is configured to send email, thereby indicating that it has been registered for phishing activities and spoofing purposes.

iii) The Respondent has registered and is using the disputed domain name in bad faith. The Respondent registered and has been using the disputed domain name with actual knowledge of the Complainant’s rights in the LYONDELLBASELL mark. The mere registration of a domain name that is confusingly similar to the Complainant’s well-known trademark can in itself create a presumption of bad faith. The disputed domain name does not resolve to an active website but is currently redirected to a parking page displaying sponsored links related to the Complainant’s services and products. Moreover, the disputed domain name is set up to send emails, such as through the account “@lyondellbasells.com.” It is inconceivable that such use could be legitimate, and it is highly probable that the domain name has been created to send fraudulent or scam emails to the Complainant’s clients.

RESPONDENT:

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

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Paragraph 15(a) of the Rules for the UDRP ("the Policy") instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(1) the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(2) the respondent has no rights or legitimate interests in respect of the domain name; and

(3) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a), and 15(a) of the Rules, and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true, unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnet marketing, inc., FA 95095 (FORUM July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true), see also Talk City, Inc. v. Robertson, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Rights

The Complainant contends that it is the owner of the registered trademark LYONDELLBASELL as identified in section "Identification of Rights" above. The Panel notes that a trademark registration with a national trademark agency such as the USPTO, as well as with an international trademark organization such as the EUIPO, is sufficient to establish rights in that mark. As such, the Panel finds that the Complainant has established its rights in the mark LYONDELLBASELL.

The Complainant further contends that the disputed domain name **<lyondell-basells.com>** is confusingly similar to its LYONDELLBASELL mark on the grounds that the disputed domain name incorporates the Complainant's mark LYONDELLBASELL, with the mere addition of the final letter "s," which constitutes clear voluntary typosquatting.

The omission or addition of a single letter, as well as a gTLD, fails to sufficiently distinguish a disputed domain name from a mark per Policy paragraph 4(a)(i). See Webster Financial Corporation and Webster Bank, National Association v. Tanya Moulton, FA2303002034214 (Forum April 11, 2023) ("When a disputed domain name wholly incorporates another's mark, adding a single letter is insufficient to defeat a finding of confusing similarity."; finding domain name confusingly similar to WEBSTER and WEBSTER ONLINE trademarks), ModCloth, Inc. v. James McAvoy, FA 1629102 (Forum Aug. 16, 2015) ("The Panel finds that the disputed domain name is confusingly similar to Complainant's mark because it differs from Complainant's mark by merely adding the letter 'L' . . . ").

The Panel notes that the disputed domain name incorporates the Complainant's LYONDELLBASELL mark, adds the single letter "s," and appends the ".com" gTLD. Therefore, the Panel finds that the disputed domain name is confusingly similar to the Complainant's LYONDELLBASELL mark per Policy paragraph 4(a)(i).

No rights or legitimate interests

A complainant must first make a prima facie case that the respondent lacks rights and legitimate interests in the disputed domain name under Policy paragraph 4(a)(ii), after which the burden shifts to the respondent to demonstrate rights or legitimate interests. See Croatia Airlines d. d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455 (the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the respondent carries the burden of demonstrating 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).

The Complainant contends that the Respondent does not have any relationship with the Complainant, nor has the Complainant ever granted the Respondent any rights to use the LYONDELLBASELL trademark in any form, including in the disputed domain name. There is no evidence that the Respondent has acquired any rights in a trademark or trade name corresponding to the disputed domain name. Where a response is lacking, WHOIS information may be used to determine whether a respondent is commonly known by the disputed domain name under Policy paragraph 4(c)(ii). The unmasked WHOIS information for the disputed domain name lists the registrant as "ferreira margue." Therefore, the Panel finds that the Respondent is not commonly known by the disputed domain name pursuant to Policy paragraph 4(c)(ii).

The Complainant further contends that the Respondent does not use the disputed domain name for any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. The disputed domain name does not resolve to an active website, and it is configured to send email, thereby indicating that it has been registered for phishing activities and spoofing purposes. The Complainant has provided a screenshot of the disputed domain name's resolving webpage showing that the domain name is currently redirected to a parking page hosting third-party hyperlinks, and that the domain name is set up to send emails, further indicating that it has been registered for phishing and spoofing activities.

The Panel notes that the disputed domain name resolves to a website hosting multiple third-party links categorized under headings

such as “Expanding Resin” and “Change Electricity Provider.” The Panel observes that the website associated with the disputed domain name redirects Internet users seeking the Complainant to competitors or unrelated third parties. Such use of the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use under Policy paragraph 4(c)(i) or (iii).

The Panel finds that the Complainant has established a prima facie case based on the foregoing considerations. All of these matters support the prima facie case against the Respondent. As the Respondent has not filed a Response or otherwise attempted to rebut the prima facie case, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name.

Bad faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that the complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website or location or of a product or service on the respondent’s website or location.

The Complainant contends that the disputed domain name, registered in 2025 without authorization, incorporates the Complainant’s well-known LYONDELLBASELL mark in its entirety. It has resolved to a parked page with hyperlinks. As noted above, the disputed domain name resolves to a parked page displaying third-party links categorized under headings such as “Expanding Resin” and “Change Electricity Provider.” The Panel finds that the site associated with the disputed domain name diverts Internet traffic seeking the Complainant to various links of the Complainant’s competitors, thereby disrupting the Complainant’s business. Furthermore, the Respondent presumably gains pay-per-click fees and thus derives commercial benefits by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or of a product or service thereon. Accordingly, the Panel finds that the Respondent registered and used the disputed domain name in bad faith under Policy paragraph 4(b)(iii) and 4(b)(iv). See JCDECAUX SE v. Ubiquity Solar, CAC-UDRP-106155 (CAC February 9, 2024) (“finding presumably, Respondent receives pay-per-click fees from the linked websites. Hosting hyperlinks that compete with a complainant may be evidence of bad faith under Policy paragraph 4(b)(iv)”).

Next, the Complainant contends that the Respondent has registered and used the disputed domain name with actual knowledge of the Complainant’s rights in the LYONDELLBASELL mark. While constructive knowledge is insufficient for a finding of bad faith per Policy paragraph 4(a)(iii), registration of an infringing domain name with actual knowledge of another’s trademark rights is sufficient to establish bad faith, and can be shown by the notoriety of the mark and the use the Respondent makes of the disputed domain name. See Orbitz Worldwide, LLC v. Domain Librarian, FA 1535826 (Forum February 6, 2014) (“The Panel notes that although the UDRP does not recognize ‘constructive notice’ as sufficient grounds for finding Policy paragraph 4(a)(iii) bad faith, the Panel here finds actual knowledge through the name used for the domain and the use made of it.”), see also AutoZone Parts, Inc. v. Ken Belden, FA 1815011 (Forum December 24, 2018) (“Complainant contends that Respondent’s knowledge can be presumed in light of the substantial fame and notoriety of the AUTOZONE mark, as well as the fact that Complainant is the largest retailer in the field. The Panel here finds that Respondent did have actual knowledge of Complainant’s mark, demonstrating bad faith registration and use under Policy paragraph 4(a)(iii).”).

The Panel agrees and infers, due to the notoriety of the Complainant’s mark around the world as noted above and the manner of use of the disputed domain name redirecting Internet users seeking the Complainant to competitors of the Complainant, that the Respondent had actual knowledge of the Complainant’s rights in the LYONDELLBASELL mark at the time of registering the disputed domain name. Thus, the Panel finds that the disputed domain name was registered and 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. **lyondell-basells.com**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm Esq.**

DATE OF PANEL DECISION 2025-09-26

Publish the Decision