Decision for dispute CAC-UDRP-107876

Case number	CAC-UDRP-107876
Time of filing	2025-08-29 09:47:44
Domain names	lyondellbesall.cam

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	LyondellBasell Industries Holdings B.V.

Complainant representative

Organization	Barzanò & Zanardo S.p.A.

Respondent

Name	mohammedreza heidari

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 is the owner of the following valid trademarks:

- US trademark no. 3634012 - serial no. of the application 77467965 (word) “LYONDELLBASELL” since May 7, 2008 in classes 1, 4, 17, 35, 42;
- US trademark no. 5096173 - serial no. of the application 86555801 (device) “LYONDELLBASELL” in classes 1, 4, 17, 42, 45;
- European Union Trademark, N 006943518 (word) “LYONDELLBASELL” registered since January 21, 2009 in classes 1, 4, 17, 42, 45;
- EUTM no. 013804091 (device) “LYONDELLBASELL” since March 6, 2015 in classes 1, 4, 17, 42, 45.

Lyondell Chemical Company, a company belonging to the LyondellBasell’s group, is the owner of the EUTM trademark LYONDELL (word mark) No. 1001866, filed on November 26, 1998 and registered on May 22, 2000, for goods and services in classes 1, 4, 12, 17, 20, 25 and 42.

LyondellBasell Industries N.V. also owns various domain names consisting of, inter alia, the words “lyondellbasell” and “lyondell”, such as <lyondellbasell.com> which leads to the Complainant’s main website and is used since October 23, 2007, and <lyondell.com>, registered on February 21, 1987.

FACTUAL BACKGROUND

FACTUAL BACKGROUND

FACTS PROVIDED BY THE COMPLAINANT:

LyondellBasell Group (referred to as LyondellBasell) is a multinational chemical company and the third largest plastics, chemicals and refining company and the largest licensor of polyethylene and polypropylene technologies in the world, for which it detains over 6,200 patents and patent applications worldwide.

According to the 2024 annual report, LyondellBasell generated $1.4 billion in net income and EBITDA of $4.3 billion. LyondellBasell is listed on the New York Stock Exchange since 2010.

LyondellBasell Group is formed of various affiliated companies, including the Complainant, all of them under the ultimate control of LyondellBasell Industries N.V., headquartered in the Netherlands.

The Complainant is the owner of the different trademarks LYONDELLBASELL®. In addition, Lyondell Chemical Company, a company belonging to LyondellBasell's group, is the owner of the EUTM trademark LYONDELL (word mark) No. 1001866. LyondellBasell Industries N.V. owns multiple domain names consisting in, inter alia, the wordings "LYONDELLBASELL" and "LYONDELL".

The disputed domain name <lyondellbesall.cam> (hereinafter, the "Disputed Domain Name") was registered on August 08th, 2025 through the privacy protect service Withheld for Privacy ehf, and, despite currently not redirected to an active web page but prima facie to an undeveloped website, it is set up with active MX records, indicating that it is used to send and receive emails. Moreover, the domain name has already been used and it's still already used for scam attempts. It is therefore clear that the Disputed Domain Name has been registered to be involved in storage spoofing/phishing.

According to Complainant's non-contested allegations, the Respondent has no rights or legitimate interest in respect of the Disputed Domain Name, and he is not related in any way to the Complainant's business.

For the purpose of this case, 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.

Respondent did not reply to the Complaint.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES CONTENTIONS

LEGAL GROUNDS:

COMPLAINANT:

PRELIMINARY PROCEDURAL QUESTIONS

LyondellBasell Industries N.V., LyondellBasell Industries Holdings B.V., Lyondell Chemie Nederland B.V. and Lyondell Chemical Company are related companies belonging to the same group and having right in the relevant marks on which this Complaint is based.

According to the UDRP jurisprudence any one party of multiple related parties, on behalf of the other interested parties, may bring a Complaint and is to be considered to have standing in dispute (see paragraph 1.4.2 of WIPO Overview 3.0 and the decisions mentioned thereto).

The Complainant of this administrative proceeding is LyondellBasell Industries Holdings B.V., filer of this Complaint also on behalf of the other interested parties (Lyondell Chemie Nederland B.V., LyondellBasell Industries N.V. and Lyondell Chemical Company). The transfer decision is to be directed to the Complainant.

First element: Similarity

The Complainant indicates that under the first UDRP element, the straightforward side-by-side comparison of the Disputed Domain Name and the textual components of the marks on which this Complaint is based makes it evident that the LYONDELLBASELL Trademarks and the LYONDELL Trademarks are recognizable within the Disputed Domain Name and, thus, the Disputed Domain Name is confusingly similar to the marks in which the Complainant has rights. The Complainant states that in UDRP cases where a Disputed Domain Name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the Disputed Domain Name, the Disputed Domain Name will normally be considered confusingly similar to that mark

under the first element of the UDRP.

Furthermore, the Complainant indicates that by comparing - in particular - the Disputed Domain Name to the LYONDELLBASELL Trademarks and to the domain name <lyondellbasell.com>, the only difference is the exchange of two letters, the vowel “a” and “e” composing the word BASELL: in the Disputed Domain Name the two letters are reversed creating the very similar word BESALL. Such a difference neither affects the attractive power of such trademark, nor is sufficient to prevent the finding of confusing similarity between the Disputed Domain Name and such mark, as it is a clear typo.

Second element: Rights or legitimate interest

The Complainant contend that the Respondent lacks rights or legitimate interests in the Disputed Domain Name for the following reasons:

- The Complainant (or the other related parties) has no relationship with the Respondent whatsoever.

- The Respondent has never received any approval of the Complainant (or the other related parties), expressed or implied, to use its (their) trademarks or any other mark identical or confusingly similar to such marks, nor to register any domain name identical or confusingly similar to such marks.

- There is no evidence that the Respondent has acquired any rights in a trademark or trade name corresponding to the Disputed Domain Name.

- The Disputed Domain Name is not redirected to an active website and it has been used to send scam emails. In accordance with the Complainant, such use of the Disputed Domain Name is clearly not a bona fide, legitimate or fair use under the UDRP Policy, but clearly demonstrate that it has been registered to be used for phishing activities/storage Spoofing.

Third element: Bad faith

The Complainant asserts that the Respondent registered the Disputed Domain Name confusingly similar to the Complainant’s well-known prior trademarks.

Given the distinctiveness and reputation of the Complainant’s business and trademarks worldwide, the Complainant believes that it is inconceivable that the Respondent could have registered the Disputed Domain Name without actual knowledge of LyondellBasell and its rights in such marks. Thus, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website, by creating a likelihood of confusion with the Complainants and their marks.

A finding of Bad Faith is also supported by the use of the Disputed Domain Name, as described at the factual section:

- The Disputed Domain Name is currently not actively used and therefore not linked to a legitimate use;
- The Disputed Domain Name is used to send scam emails to Complainant’s clients.

The Complainant indicates that past panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith – as in the present case sending email, phishing, identity theft. Therefore, the Disputed Domain Name was registered in bad faith.

RESPONDENT

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

Procedural Factors

- **UDRP STANDING**

The Complainant LyondellBasell Industries Holdings B.V., filer of this Complaint, it thas requested the consolidation of this administrative proceeding so that the Complainant also represents the interesting parties Lyondell Chemie Nederland B.V., LyondellBasell Industries N.V. and Lyondell Chemical Company.

Based on the evidence provided by the Complainant, some of the three mentioned companies also own trademark rights over the term “LYONDELL”; e.g. EUTM “LYONDELL”, Reg. Nr. 001001866 on behalf of LYONDELL CHEMICAL COMPANY, and, consequently, there is a presumption about the relationship between those companies with the Complainant but the evidence is not clear. In fact, the Complainant referred as Annex to an extract from the Netherlands Chamber of Commerce related to the company Lyondell Chemie Nederland B.V but forget to include it at the Complaint.

Therefore, the Panel has decided to use its general powers articulated in paragraphs 10 and 12 of the UDRP Rules to conduct a limited online search regarding the connection of the three Complainants with respect to the same Group by doing a Google search checking for the subsidiaries of the Complainant’s group. The search revealed the following document https://www.lyondellbasell.com/4a80e1/globalassets/legal/lyb-related-entity-list.pdf showing that the interesting parties Lyondell Chemie Nederland B.V., LyondellBasell Industries N.V., and Lyondell Chemical Company are subsidiaries of the Complainant at least until December 31st, 2022.

When it comes to consolidation of a complaint filed by multiple complainants against a single respondent, the WIPO Overview 3.0 in paragraph 4.11.1 sets forth two main considerations; i) a common grievance while respecting equity and ii) procedural efficiency to permit the consolidation.

From the information provided by the Complainant as well as the information gathered by the Panel, the Panel can infer that the two elements are fulfilled; i.e. there is a specific common grievance against the Respondent and the acceptance of the consolidation request is equitable and procedurally efficient. Furthermore, the Panel does not see any impediment to confirm the request of the Complainant of transferring the Disputed Domain Name to the Complainant, namely LyondellBasell Industries Holdings B.V., if successful.

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.

- **THE DISPUTED DOMAIN NAME IS CONFUSINGLY SIMILAR TO THE LYONDELLBASELL® TRADEMARKS OF THE COMPLAINANT.**

The Uniform Domain Name Dispute Resolution Policy (the Policy) in its Paragraph 4(a)(i) indicates the obligation of Complainant to demonstrate that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights.

As provided at the evidence, the Complainant’s trademarks were registered prior to 2025, the year of the creation date of the Disputed Domain Name.

From the Panel’s perspective, the Disputed Domain Name <lyondellbesall.cam> is composed of almost all letters of the trademark “LYONDELLBASELL” with the replacement of the vowel "A" with "E" and the second vowel “E” with “A” componing the word BESALL instead of BASELL.

From the Panel’s perspective, this an intentional misspelling of Complainant’s trademark and a typo squatting case where internet users searching for “<lyondellbasell.com>” might wrongly type in the computer’s keyboard the letter “E” instead of “A” as well as the vowel “A” instead of “E” and by doing so, they would end up at Respondent’s website “<lyondellbesall.cam>”. (See, e.g., Sanofi. v. Domains By Proxy, LLC /domain admin, WIPO Case No. D2013-0368: “The Domain Name consists of the SANOFI Mark with the letter “o” replaced by the letter “i”. The replacement of “o” with “i” does not operate to prevent a finding of confusing similarity between the SANOFI Mark and the Domain Name especially in circumstance where the letters “o” and “i” are right next to each other on a typical “qwerty” keyboard, meaning that a single slip of the fingers would result in an Internet user who intended to visit the Complainant’s website at www.sanofi.com visiting the Respondent’s Website instead”).

Furthermore, previous panels have found that special attention should be paid to domain names where the difference in spelling is so insignificant that it is hardly noticeable and does not change the distinctive character of the mark in question. See, e.g., BOURSORAMA SA v. francois goubert , CAC Case No. 104595: “This also applies to domain names where the difference in spelling is so insignificant that it is hardly noticeable and does not change the distinctive character of the mark in question. Most readers would be hard put to quickly spot the difference between "BOURSORAMA" and "BOUSORAMA". This takes some analysis, especially at the mind reads what it expects to see from previous experience. In this case, that expectation would be to read the well-known word "BOURSORAMA”.

UDRP panels agree that the TLD may usually be ignored for the purpose of determination of identity or confusing similarity between a domain name and the Complainant’s trademark as it is technical requirement of registration. See paragraph 1.11.1 of WIPO Jurisprudential Overview 3.0.

Therefore, the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy and the Disputed Domain Name is confusingly similar to Complainant’s “**LYONDELLBASELL®**» trademarks.

- **RESPONDENT’S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME.**

The second element of the Policy requires that the Complainant establishes that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The generally adopted approach by UDRP panels, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it (see WIPO Jurisprudential Overview, version 3.0., paragraph 2.1).

The Complainant indicates that the Respondent has never received any approval of the Complainant (or the other related parties), expressed or implied, to use its (their) trademarks or any other mark identical or confusingly similar to such marks, nor to register any domain name identical or confusingly similar to such marks.

Furthermore, the Complaint argues that it does not have any relationship with the Respondent whatsoever. Finally, the Complainant indicated that there is no evidence that the Respondent has acquired any rights in a trademark or trade name corresponding to the Disputed Domain Name.

From the information provided by the Complainant, there is no evidence or reason to believe that the Respondent (as an individual, business or other organization) has been commonly known by the Disputed Domain Name. The Respondent registered the Disputed Domain Name using a privacy protected service and this is all what links the Disputed Domain Name with the Respondent. Absent of any other evidence such as a personal name, nickname or corporate identifier, the Panel is of the opinion that the Respondent is not commonly known by the Disputed Domain Name.

The Complainant also mentioned that the Disputed Domain Name is a typo squatted version of the trademark **LYONDELLBASELL**. In this regard, UDRP panels have confirmed in different decisions that when typo squatting is occurring, then this can be considered as additional evidence that the Respondent has no right or legitimate interest under the Policy. (See, e.g., Pentair Flow Services AG v. Scott Fisher, CAC Case No. 103931. “Since typosquatting is a practice of registering a domain name in an attempt to take advantage of internet users’ typographical errors, this circumstance is also evidence that the Respondent lacks rights and legitimate interest in the disputed domain name”).

The Complainant has also provided evidence showing that the Disputed Domain Name resolves to an inactive page. Different Panels have confirmed that the lack of content at the Disputed Domain Name can be considered as a finding that Respondent does not have bona fide offering of goods and services (see, for example, Forum Case No. FA 1773444, Ashley Furniture Industries, Inc v. Joannet Macket/JM Consultants).

The Complainant also mentioned that the Disputed Domain Name was used for phishing activities, however, the evidence provided does not confirm the phishing attempt. Furthermore, the Complainant also provided with evidence about the activation of MX records which provides an indication of illegal usage of the Disputed Domain Name. In lack of reply of the Respondent, the Panel is ready to accept the inferences of the Complainant in the sense that the Disputed Domain Name has been used for illegal activities. In this vein, past panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a Respondent.

Therefore, the Panel concludes that neither the Respondent nor the evidence establishes that the Respondent has any right or legitimate interest to the Disputed Domain Name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

- **THE DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND IS BEING USED IN BAD FAITH IN ACCORDANCE WITH THE POLICY.**

Paragraph 4(a)(iii) of the Policy indicates that Complainant must assert that the Respondent registered and is using the Disputed Domain Name in bad faith. In this sense, Paragraph 4(b) of the Policy sets out four circumstances which if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the Respondent has registered or acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that 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 Respondent has engaged in a pattern of such conduct; or

(iii) The Respondent has registered the Disputed 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 the Respondent's website or other on-line 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.

The evidence submitted by Complainant confirms that its trademarks **LYONDELLBASELL®** are distinctive and they has a strong reputation in the chemical industry. Absent of Respondent's reply, the Panel finds that Respondent, prior to the registration of the Disputed Domain Name was aware of Complainant's trademark, in particular since the Disputed Domain Name was registered on August 08th, 2025 and Complainant's trademarks were registered long before the registration of the Disputed Domain Name.

In this regard, past panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

See WIPO Jurisprudential Overview, version 3.0., paragraph 3.1.4.

As indicated by Complainant, the website associated with the Disputed Domain Name resolves to an inactive website. Past panelist have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding and for this purpose, the following factors should be taken into account: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

See paragraph 3.3. of WIPO Overview.

Last but not least, the Complainant indicated that the Disputed Domain Name was used to send scam emails to Complainant's clients, however, the provided evidence was not clear enough. Irrespective of this miss from Complainant's side, the Complainant also provided evidence showing that .MX records are configured. Past Panels have found that the activation of mail exchanger record (MX record) suggests that the Respondent is using or is preparing to use the Disputed Domain Name to send and receive email communications with the purpose of misleading the recipients as to their source. This is an additional circumstance of the Respondent's bad faith in particular in lack of Response by Respondent.(See, e.g., Decathlon v. Privacy service provided by Withheld for Privacy, WIPO Case No. D2021-4369.

In light of the above-mentioned findings, the Panel finds that the evidence submitted by the Complainant supports the argument that by using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other on-line 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.

Therefore, the Panel concludes that Respondent registered and is using the Disputed Domain Name in bad faith and thus has satisfied the requirement under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lyondellbesall.cam**: Transferred

PANELLISTS

Name	**Victor Garcia Padilla**

DATE OF PANEL DECISION 2025-10-03

Publish the Decision