Decision for dispute CAC-UDRP-107877

Case number	CAC-UDRP-107877
Time of filing	2025-09-02 11:03:47
Domain names	lyondellchemienederlandnv.com

Case administrator

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

Complainant

Organization	LyondellBasell Industries Holdings B.V.

Complainant representative

Organization	Barzanò & Zanardo S.p.A.

Respondent

Name	Massimo Selle

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 registered owner of:

- US trademark no. 5096173 (device) “LYONDELLBASELL” in classes 1, 4, 17, 42, 45;

- European Union Trademark (EUTM) no. 006943518 (word) “LYONDELLBASELL” since 16 May 2008 in classes 1, 4, 17, 42, 45; and

- EUTM no. 013804091 (device) “LYONDELLBASELL” since 6 March 2015 in classes 1, 4, 17, 42, 45.

(“Complainant’s Trademarks”).

The disputed domain name <lyondellchemienederlandnv.com> was registered on 18 December 2024.

FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the Complainant (and supported by the documentary evidence submitted by the Complainant) and unchallenged by the Respondent:

(a) LyondellBasell Group (which includes the Complainant and also the company Lyondell Chemie Nederland B.V.) is a multinational chemical company with European and American roots going back to 1953-54 when the predecessor company scientists Professor Karl Ziegler and Giulio Natta (jointly awarded the Nobel Prize in Chemistry in 1963) made their discoveries in the creation of polyethylene (PE) and polypropylene (PP). Ever since, LyondellBasell has become 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. The 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;

(b) the Complainant is the owner of the Complainant's Trademarks;

(c) the Complainant owns various domain names consisting of, inter alia, the denominations "LYONDELLBASELL" and "LYONDELL", such as <lyondellbasell.com> used as main website of LyondellBasell since 23 October 2007 and <lyondell.com> registered on 21 February 1997;

(d) the disputed domain name was registered on 18 December 2024; and

(e) the disputed domain name resolves to a parking page.

The Complainant seeks transfer of the disputed domain name to the Complainant.

PARTIES CONTENTIONS

In addition to the above factual assertions, the Complainant also contends the following:

(i) the disputed domain name is confusingly similar to Complainant's Trademarks;

(ii) the Respondent is not affiliated with the Complainant nor authorized by it in any way to use Complainant's Trademarks. The Complainant does not carry out any activity for, nor has any business with the Respondent;

(iii) the disputed domain name resolves to parking page and the Respondent did not make any use of disputed domain name. This confirms that Respondent has no demonstrable plan to use the disputed domain name. It proves a lack of legitimate interests in respect of the disputed domain name except in order to create a likelihood of confusion with the Complainant and its trademarks. Therefore, the Respondent does not have right or legitimate interest in respect of the disputed domain name;

(iv) Complainant's Trademarks are widely known. Given the distinctiveness of Complainant's Trademarks and their reputation, it is reasonable to infer that the Respondent has registered the domain name with the full knowledge of Complainant's Trademarks. This is further evidenced by the fact that the disputed domain name almost entirely corresponds to the company name of LyondellBasell entity in the Netherlands. Also, the Respondent used the name of Mr. Massimo Selle for the purposes of registration which is the name of Complainant's group sales director and thus apparently false name in relation to the registration of the disputed domain name. In the light of these circumstances is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law. As a result, the disputed domain name has been registered and is being used in bad faith by the Respondent.

THE RESPONDENT:

The Respondent did not provide any response to the complaint.

RIGHTS

The Panel concluded that the disputed domain name is identical or confusingly similar to the Complainant's Trademarks within the meaning of paragraph 4(a)(i) of the Uniform Domain Name Dispute Resolution Policy ("UDRP" or "Policy").

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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

Paragraph 4(a) of the Policy requires that the Complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or revoked:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

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

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in this proceeding.

RIGHTS

The disputed domain name is confusingly similar to Complainant’s Trademarks. The disputed domain name contains the distinctive element of Complainant's Trademarks "LYONDELL" to which several non-distinctive elements "CHEMIE", "NEDERLAND" and "NV" are added. Addition of such non-distinctive terms does not diminish confusing similarity of disputed domain name to Complainant's Trademarks.

On the other hand, the Panel could not take into account the trademark owned by Lyondell Chemical Company which is an entity different from the Complainant, although part of the same group. In this respect the Complainant argued that in case of multiple related parties, each such party may bring UDRP complaint on behalf of the other interested parties and is to be considered to have standing in dispute (based on paragraph 1.4.2 of WIPO Overview 3.0 and the decisions mentioned there). However, such section of WIPO Overview refers to cases of multiple complainants having a right to the relevant trademark which is a situation different from this case, where the Complainant bases its complaint on the trademark owned by another entity within Complainant's group. Such trademark could still form a valid basis of the complaint, provided that the Complainant presented evidence that the owner of such trademark authorized the Complainant to exercise the rights to such trademark. However, the Complainant failed to present any such evidence and therefore the Panel disregarded that trademark.

For sake of completeness, the Panel asserts that the top-level suffix in the domain name (i.e. the ".com") must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.

Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

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 UDRP (please see, for example, WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the disputed domain name. Neither is the Respondent in any way related to the Complainant. The Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a) (ii) of the Policy).

Therefore, the Panel concludes that the Respondent does not have any right or legitimate interest to the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has not presented evidence establishing any of the typical cases of bad faith in registration and use of the domain name listed in paragraph 4(b) of the Policy. Nevertheless, such list is not exhaustive and bad faith in registration and use of the disputed domain name may also be found in other cases taking into account all relevant facts and circumstances of the case at hand (please see the WIPO case No. D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows <telstra.org> and WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition, Section 3.2).

Here the Panel noted that the Complainant is a global company and Complainant's Trademarks are registered and enjoy good reputation in many countries worldwide. The Complainant is present and has registered its trademarks also in the Netherlands where the Respondent (allegedly) resides. The denomination "LYONDELL" has no common meaning in English language (as the language of the global trade) or Dutch language (as the language of the country where the Respondent allegedly resides), it clearly points to the Complainant (and not much else) when entered into the internet search engines. Hence the Panel is convinced that such denomination is clearly distinctive to the Complainant. Also, the Respondent chose the disputed domain name almost entirely identical to the company name of Complainant's affiliate in the Netherlands. Therefore, the Respondent clearly registered the disputed domain name with the knowledge of the Complainant and its trademarks. In this respect, the Panel also deems appropriate to refer to paragraph 2 of the Policy under which it is the responsibility of the Respondent as the registrant of disputed domain name to determine whether its registration infringes or violates someone else's rights.

Moreover, the Respondent registered the domain name under apparently false name of Mr. Massimo Selle, who is in fact LyondellBasell's Sales Director. That is also clear evidence of bad faith registration of the disputed domain name.

In the light of the above circumstances the Panel failed to find any plausible good faith reasons for registration and use of the disputed domain name by the Respondent. The Respondent has not submitted any response to the Complaint and therefore has not presented any facts or arguments that could counter the above conclusions of the Panel. As a result, the Panel holds that the disputed domain name has been registered and is being used by the Respondent in bad faith (within the meaning of 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. **lyondellchemienederlandnv.com**: Transferred

PANELLISTS

Name	**Michal Matějka**

DATE OF PANEL DECISION 2025-10-05

Publish the Decision