Decision for dispute CAC-UDRP-108003

Case number	CAC-UDRP-108003
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Domain names	arkemams.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARKEMA FRANCE

Complainant representative

Organization	IN CONCRETO

Respondent

Organization	Domain Admin

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

International Trade Mark Registration No. 847865 ARKEMA registered for various goods and services in classes 1, 2, 3, 4, 5, 16, 17, 37, 38, 39, 40, 41, 42 and 45 from 30 November 2004 and designating numerous jurisdictions.

FACTUAL BACKGROUND

The Complainant is a French-based manufacturer of various materials developed through industrial chemistry, such as paints, adhesives and resins. It has traded as ARKEMA since its incorporation in 2004. As of 2024 it operated 157 production plants and employed over 21,150 employees. It had a presence in 55 countries throughout the world and acquired annual sales of approximately 9.5 Billion Euros.

The Complainant is the owner of numerous trade mark registrations for the word ARKEMA, including the above-mentioned international registration. Further it owns numerous domain name registrations containing the word ARKEMA, including <arkema.com>.

The disputed domain name does not direct to an active website. However, the Complainant has provided evidence that MX servers have been configured for the disputed domain name and at least two emails have been sent from addresses using the disputed domain name. Both those emails purported to be from employees of the Complainant by way of using the exact same signature

block at the bottom of the emails as those used by actual employees of the Complainant. Both displayed the real names of these employees in the signature block and email address.

The disputed domain name was registered on 8 August 2025 in the name of "alex wass YGH". The registrant contact email address provided was an obvious misspelling of the well known law firm Norton Rose Fulbright. It is obvious to the Panel that the registrants ´ name provided is a pseudonym and not any person actually known by the name provided.

PARTIES CONTENTIONS

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

PRELIMINARY MATTER

As noted above, the disputed domain name has been registered in the name of a pseudonym.

To avoid any confusion with persons actually known by that name and to accurately record the parties' names the Panel directs under Rule 10(a) of the Rules that the Respondent's name appear on the published decision as "alex wass YGH (a pseudonym)".

SUBSTANTIVE DECISION

Paragraph (4)(a) of the Policy lists three elements that the Complainant must prove to merit a finding that the disputed domain name registered by the Respondent should be transferred to the Complainant:

1) the disputed domain name is identical or confusingly similar to a trademark or service mark ("mark") in which the Complainant has rights; and
2) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3) the disputed domain name has been registered and is being used in bad faith.

The Panel is satisfied that the Complainant has satisfied all three elements for the principal reasons set out below.

RIGHTS IN AN IDENTICAL OR CONFUSINGLY SIMILAR TRADEMARK

As mentioned above the Complainant asserts it has an international trademark registration consisting of the word ARKEMA. Further,

this registration designates a number of jurisdictions and it predates the registration date of the disputed domain name by over two decades.

To satisfy paragraph 4(a)(i) of the Policy it is enough that the panel is satisfied that the Complainant has registered rights in a trademark that predates the registration of the disputed domain name in a single jurisdiction (even if that single jurisdiction is not one in which the Respondent resides or operates) (Koninklijke KPN N.V. v. Telepathy, Inc D2001-0217 (WIPO May 7, 2001); see also WIPO Case Nos. D2012-0141 and D2011-1436). The Complainant has clearly satisfied such in relation to the trademark ARKEMA.

The next question is whether the disputed domain name is confusingly similar to the ARKEMA trademark.

The Panel disregards the gTLD suffix ".com" for the purpose of this comparison.

Turning to the remaining elements of the disputed domain name. The disputed domain name merely adds an "ms" after "arkema". The end result, <ARKEMAMS.COM>, appears like a subtly typographically erred version of <ARKEMA.COM>. The likelihood of confusion of the former with the latter is heightened by the fact that the additional elements in the disputed domain name come inconspicuously from the middle section of the disputed domain name, just before the gTLD. Internet users perusing the disputed domain name quickly are likely to mistakenly see it as the Complainant's domain name, being its well-known trademark followed by the common gTLD .com.

The disputed domain name is confusingly similar to the ARKEMA trademark.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests (Croatia Airlines d. d. v. Modern Empire Internet Ltd. WIPO Case No. D2003-0455). Once such a 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 Respondent is not identified in the Whois database as having a name related to the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. Thus, the Respondent is not known as the disputed domain name. Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com> (“Here, the WHOIS information of record identifies Respondent as “Chad Moston / Elite Media Group.” The Panel therefore finds under Policy paragraph 4(c) (ii) that Respondent is not commonly known by the disputed domain name under Policy paragraph 4(c) (ii).”).

There are no other facts which would indicate the Respondent has any rights or legitimate interests in the disputed domain name. Further, the matters stated below under the heading "BAD FAITH" indicate that the Respondent's interests in the domain name are not 'legitimate' at all.

In such circumstances, the Complainant has made out its prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent has no rights or interests in the disputed domain name.

BAD FAITH

The Respondent has not directed the disputed domain name to an active website. However it has certainly made use of the disputed domain name in order to send emails impersonating the Complainant.

Given the strong and longstanding international reputation of the Complainant it is entirely unforeseeable that a reasonable person could register the strikingly similar disputed domain name without knowledge of the Complainant's rights.

The Respondent's subsequent conduct in using the disputed domain name to fraudulently impersonate the Complainant puts it beyond all doubt that the Respondent had such prior knowledge at the time of registering the disputed domain name and its only purpose in registering the disputed domain name was to opportunistically profit from confusing similarity. The Respondent clearly targeted the Complainant's well-known trademark for this purpose.

Therefore, the disputed domain name has been registered and is being 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. **arkemams.com**: Transferred

PANELLISTS

Name	**Andrew Sykes**

DATE OF PANEL DECISION 2025-11-11

Publish the Decision