Decision for dispute CAC-UDRP-108051

Case number	CAC-UDRP-108051
Time of filing	2025-10-16 09:31:58
Domain names	arkemar.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARKEMA FRANCE

Complainant representative

Organization	IN CONCRETO

Respondent

Name	reza takroosta

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 owns several trademarks for ARKEMA in several countries among them the European Union trademark ARKEMA n° 004181731 in classes 1, 2, 3, 4, 5, 7, 9, 11, 12, 16, 17, 19, 20, 22, 25, 27, 35, 36, 37, 38, 40, 41, 42 registered since February 9, 2006, and in effect.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is incorporated as ARKEMA FRANCE since 2004 and is present in 55 countries throughout the world with 157 production plants; over 21.150 employees word for the Complainant, its sales are approximately € 9.5 billion. The Complainant is a world leader of materials science offering a wide range of products for various domains such as Paints, Adhesives, Coats, Glue, Fiber, Resins, Rought materials and Finished materials for both general industry and consumer goods. The Complainant is producing, reselling and distributing such materials. Complainant is also a leader in the research and development of such elements. In addition, through substantial financial, material and human investments, the Complainant has developed a large clientele relating to Arkema brands, which have achieved a reputation and a certain fame in its field, chemistry.

The website under the disputed domain name resolves to an inaccessible webpage and has been configured to operate an email server which was used to send fraudulent emails, containing wrong invoices to be paid, replicating email addresses of employees of the Complainant with the disputed domain name ending.

The disputed domain name was registered on June 24, 2025.

PARTIES CONTENTIONS

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant, inter alia, contends that the domain name contains in its entirety Complainant´s mark ARCEMA. The Respondent has no legitimate interest in the domain name in question, since he bears another name and was never authorised or licensed to use the trademark of the Complainant. The domain name in question has been both acquired and is being used in bad faith as the Complainant was known already at the time of the registration of the disputed domain name and the deliberate addition of the letter “r” demonstrates a clear case of typosquatting. The use of the disputed domain name as an email server and the sending of fraudulent emails is an additional indications of bad faith.

The Respondent did not reply to the Complainant’s contentions.

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

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(i) The 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 with respect to the domain name; and

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

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for „ARKEMA“ in several countries.

The disputed domain name is confusingly similar to the distinctive ARKEMA marks of the Complainant since the addition of the letter „r“ at the end does not prevent a finding of a sufficient confusing similarity.

The Panel therefore considers the domain name to be confusingly similar to the trademark „ARKEMA“, in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Respondent has no rights in the disputed domain name since the Respondent was not authorised by the Complainant to use its trademarks. Furthermore, the Respondent has no legitimate interest in the domain name since there is no indication that the Respondent is commonly known by the name “ARKEMAR” nor that the Respondent is using the domain name in connection with a bona fide offering of related goods or services.

The Panel therefore finds that the respondent does not have rights or legitimate interests in the domain name.

C. Registered and Used in Bad Faith

The size of the Complainant, its wide territorial business activities and the duration of its presence under the name and with the trademarks ARKEMA are sufficient indications for this Panel that the trademark ARKEMA was known to the Respondent at the time of registration of the disputed domain name. This is further evidenced by the knowledge about the names of employees of the Complainant which were used for fraudulent emails by use of the disputed domain name as an email server. The latter is at the same time a strong indication for use of the disputed domain name in bad faith, going hand in hand with typosquatting since the disputed domain name differs only in one letter from Complainant´s trademark rights.

Also, It is the consensus view of Panels (following the decision Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, <telstra.org>) that the apparent lack of active use of the domain name without any active attempt to sell or to contact the trademark holder (passive holding), does not as such prevent a finding of bad faith. Examples of what may be cumulative circumstances found to be indicative of bad faith include that no response to the complaint has been filed and the registrant's concealment of its identity and the implausibility of any good faith use to which the domain name may be put. Such circumstances are also given in the present case.

The circumstances of this case indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with 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. **arkemar.com**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2025-11-11

Publish the Decision