Decision for dispute CAC-UDRP-108182

Case number	CAC-UDRP-108182
Time of filing	2025-12-02 11:09:29
Domain names	basf-nederlands.com

Case administrator

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

Complainant

Organization	BASF SE

Complainant representative

Organization	Convey srl

Respondent

Organization	Van Diemen

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

Complainant is the owner of the European Union trademark nr. 005458518 BASF with registration date 5 November 2007.

FACTUAL BACKGROUND

According to the information provided by the registrar the disputed domain name <basf-nederlands.com> was registered on 2 June 2025.

At the time of decision, the disputed domain name does not resolve to an active website. Previously, the disputed domain name has been used for a fraudulent scheme.

PARTIES CONTENTIONS

Complainant

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

According to the information submitted by Complainant, Complainant is a German company organized into 11 divisions, which are grouped into six segments: Chemicals, Materials, Industrial Solutions, Surface Technologies, Nutrition & Care and Agricultural Solutions. Complainant has subsidiaries and joint ventures in more than 80 countries and operates six integrated production sites and 390 other production sites in Europe, Asia, Australia, the Americas and Africa. BASF has customers in more than 190 countries. Complainant also owns many domain names including its trademark BASF, such as the domain name <basf.com> used since March 1995.

According to Complainant the disputed domain name registered by Respondent is confusingly similar to trademarks owned by Complainant. The disputed domain name contains Complainant's trademark BASF in its entirety and the addition of both the minus/dash symbol "-" and the generic geographical term "nederlands" do not reduce the likelihood of confusion.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Respondent is not a licensee or authorized agent of Complainant or otherwise authorized to use Complainant's trademarks. In particular, Respondent is not an authorized reseller of Complainant and has not been authorized to register and use the disputed domain name.

Complainant submits that the disputed domain name was used to host mailboxes that were used to impersonate Complainant in order to commit phishing and to deceive unaware users by pretending to sell Complainant's products for financial gain. In particular Complainant asserts that the disputed domain name has been used in connection with a fraudulent e-mail scheme whereby Respondent impersonates Complainant in e-mails to bona fide users via sales@basf-nederlands.com. The e-mail address used (sales@basf-nederlands.com) which was linked to the disputed domain name is not associated with BASF Nederland B.V., i.e. the Dutch branch of the Complainant's company and the person used in the e-mail signature, is not a sales manager working for BASF Nederland B.V. Such use of the disputed domain name cannot be considered a legitimate or fair use, as Respondent is undoubtedly attempting to deceive unaware users by impersonating Complainant and it is clear that Respondent's intention is to benefit from the trademark reputation of Complainant in order to disrupt Complainant's business and to illegitimately trade on Complainant's fame for commercial gain.

According to Complainant the disputed domain name is registered and is being used in bad faith. Given the registration and intensive use of the BASF trademark since 1952 and the use of Complainant's trademarks on the website linked to the disputed domain name, it appears clear that Respondent could not have been unaware of the existence of Complainant's trademark, which is incorporated in the disputed domain name.

Complainant asserts that the disputed domain name was used in a fraudulent e-mail scheme. The use of a domain name for inherently unlawful activities such as phishing can never confer rights or legitimate interests on a respondent. Such conduct is clearly considered as evidence of bad faith. The fact that the disputed domain name was registered and used for the purpose of impersonating Complainant by using Complainant's trademark not only in the disputed domain name but also in the content of the phishing e-mails sent, shows that Respondent was fully aware of the reputation of Complainant's trademark and the association with Complainant. Moreover, this also shows that Respondent's sole purpose in registering and using the disputed domain name containing Complainant's trademark BASF was to capitalize on the reputation of Complainant's trademark by confusing Internet users.

Respondent

No administratively compliant Response has been filed.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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 the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark (Policy, Par. 4 (a)(i)). Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark or the principal part thereof in its entirety or where a disputed domain name consists of a common, obvious or intentional misspelling of a trademark. Complainant has established that it is the owner of trademark registrations for BASF. The disputed domain name incorporates the entirety of the well-known BASF trademark as its distinctive element. The addition of the hyphen "-" and the geographical term "nederlands" the disputed domain name is insufficient to avoid a finding of confusing similarity as the BASF trademark remains the dominant component of the disputed domain name. The top-level domain "com" in the disputed domain name may be disregarded.

The Panel notes that Complainant's registration of its trademark predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its BASF trademark or to register the disputed domain name incorporating its mark.
Based on the undisputed submission and evidence provided by Complainant, Respondent used the disputed domain name to impersonate a purported sales manager of Complainant by sending an email to a prospective customer asking for additional information. Panels have held that the use of a domain name for illegal activity such as impersonation can never confer rights or legitimate interests on a respondent. WIPO Overview 3.0, section 2.13.1. The Panel does not consider such use a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name. Respondent is also not commonly known by the disputed domain name nor has it acquired any trademark or service mark rights.
Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Noting the well-known and long existing status of the BASF trademark and the overall circumstances of this case, the Panel finds it is more likely than not that Respondent knew or in any event should have known of Complainant's BASF mark. The registration of the disputed domain name in awareness of the BASF trademark and in the absence of rights or legitimate interests amounts under these circumstances to registration in bad faith.
The Panel notes that the fact that the disputed domain name at the time of the decision does not resolve to an active website does not prevent a finding of bad faith use under the doctrine of passive holding. WIPO Overview 3.0, section 3.3. Noting (i) the degree of distinctiveness and reputation of Complainant's BASF marks, (ii) the failure of Respondent to submit a response or to provide any evidence of actual or contemplated bona fide use, and (iii) the implausibility of any bona fide use to which the inherently misleading disputed domain name may be put, the Panel finds that Respondent possibly registered the disputed domain name with the intention to unfairly attract Internet users to its disputed domain name.

In particular the Panel takes into account that previous panels have held that the use of a domain name for illegal activity, such as applicable to this case impersonation and sending deceptive e-mails asking for information, constitutes bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **basf-nederlands.com**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

2026-01-08

DATE OF PANEL DECISION 2020-01-08

Publish the Decision