Decision for dispute CAC-UDRP-108626

Case number	CAC-UDRP-108626
Time of filing	2026-05-12 09:19:44
Domain names	lyondellbasell-us.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	Lisa Griffin

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, LyondellBasell Industries Holdings B.V., is the owner of the well-known trademark LYONDELLBASELL in several classes worldwide, including:

- US Trademark Reg. No. 3634012, registered on May 7, 2008, in classes 1, 4, 17, 35, 42; and

- European Union Trademark (EUTM) Reg. No. 006943518, registered on May 16, 2008, in classes 1, 4, 17, 42, 45.

FACTUAL BACKGROUND

The Complainant, LyondellBasell Group (referred to as LYONDELLBASELL), is a multinational chemical company with European and American roots dating back to 1953, when scientists from its predecessor companies, Professor Karl Ziegler and Giulio Natta, who were jointly awarded the Nobel Prize in Chemistry in 1963, made groundbreaking discoveries in the development of polyethylene (PE) and polypropylene (PP). Since then, the Complainant has grown to become the world's third largest plastics, chemicals, and refining company, as well as the largest licensor of polyethylene and polypropylene technologies worldwide.

The Complainant employs more than 20,300 people globally and operates 75 manufacturing sites across 20 countries, with its products sold in approximately 100 countries. According to its 2024 annual report, the Complainant generated USD 1.4 billion in net

income and an EBITDA of USD 4.3 billion. The Complainant has been listed on the New York Stock Exchange since 2010. On December 20, 2017, the company celebrated the tenth anniversary of the merger between Lyondell Chemical Company and Basell AF SCA, a transaction that created one of the largest plastics, chemicals, and refining companies in the world. The Complainant comprises a number of affiliated companies, all under the ultimate control of LyondellBasell Industries N.V., headquartered in the Netherlands.

The disputed domain name was registered on April 19, 2026, and currently resolves to a webpage that redirects to a website prima facie dedicated to yoga. Furthermore, the disputed domain name is configured to exchange electronic mail.

PARTIES CONTENTIONS

COMPLAINANT:

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

(i) The Complainant has rights in the LYONDELLBASELL mark as identified in the section entitled “Identification of Rights.” The disputed domain name is confusingly similar to the Complainant’s LYONDELLBASELL mark because it incorporates the LYONDELLBASELL mark in its entirety, with the mere addition of the letters “us,” which indicate a specific country, the United States, separated from the trademark LYONDELLBASELL by a hyphen, and the “.com” gTLD.

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no relationship whatsoever with the Complainant, nor has the Complainant ever granted the Respondent any rights to use the LYONDELLBASELL trademark in any form, including in the disputed domain name. There is no evidence that the Respondent has acquired any rights in a trademark or trade name corresponding to the disputed domain name. The Respondent is neither using the disputed domain name for any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. Instead, the disputed domain name does not resolve to an active website, but is configured to send e-mails, thereby indicating that it has been registered for phishing activities and spoofing purposes.

(iii) The Respondent has registered and is using the disputed domain name in bad faith. The Respondent registered and has been using the disputed domain name with actual knowledge of the Complainant’s rights in the LYONDELLBASELL mark. The mere registration of a domain name that is confusingly similar to the Complainant’s well-known trademark can, in itself, create a presumption of bad faith. Although the disputed domain name does not resolve to an active website but is currently redirected to a website prima facie dedicated to yoga, the corresponding website is clearly only an attempt to create arguments to contest the Complainant's claim of bad faith use, inasmuch as the website does not work. Furthermore, the disputed domain name is set up to send e-mails. Considering the e-mail account @the disputed domain name, it is impossible to consider any legitimate use, and it is highly probable that such accounts have been created to send scam e-mails to the complainant’s clients. Thus, the Respondent has intentionally attempted to mislead Internet users who receive e-mails from an account at the disputed domain name, by creating a likelihood of confusion with the Complainant and its marks, pursuant to paragraph 4(b)(iv) of the UDRP Policy.

RESPONDENT:

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

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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 15(a) of the Rules for the UDRP ("the Policy") instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

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

(1) the domain name registered by respondent is identical or confusingly similar to a trademark or service mark in which complainant has rights; and

(2) respondent has no rights or legitimate interests in respect of the domain name; and

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

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a), and 15(a) of the Rules, and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true, unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnet marketing, inc., FA 95095 (FORUM July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true), see also Talk City, Inc. v. Robertson, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Rights

The Complainant contends that it is the owner of the registered trademark LYONDELLBASELL as identified in the section "Identification of Rights" above. The Panel notes that a trademark registration with a national trademark agency, as well as with an international trademark organization such as the USPTO or the EUIPO, is sufficient to establish rights in that mark. As such, the Panel finds that the Complainant has established its rights in the mark LYONDELLBASELL.

The Complainant further contends that the disputed domain name **<lyondellbasell-us.com>** is confusingly similar to its LYONDELLBASELL mark on the grounds that the disputed domain name incorporates the Complainant's mark LYONDELLBASELL, with the mere addition of the letters "us," which indicate a specific country, the United States, separated from the trademark LYONDELLBASELL by a hyphen, and the ".com" gTLD. The Panel concurs with the Complainant's position and concludes that the disputed domain name is confusingly similar to the LYONDELLBASELL mark per Policy paragraph 4(a)(i).

No rights or legitimate interests

A complainant must first make a prima facie case that a respondent lacks rights and legitimate interests in the disputed domain name under Policy paragraph 4(a)(ii), after which the burden shifts to the Respondent to demonstrate it does have rights or legitimate interests. See Section 2.1, WIPO Overview 3.1 ("Where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.").

Relevant information, such as WHOIS data, can serve as evidence to demonstrate whether the Respondent is or is not commonly known by the disputed domain name under Policy Paragraph 4(c)(ii). The Panel notes that the WHOIS data lists " Lisa Griffin" as the registrant, and there is no evidence in the record indicating that the Respondent was authorized to use the mark. Therefore, the Panel finds that the Respondent is not commonly known by the disputed domain name under Policy Paragraph 4(c)(ii).

The Complainant further contends that the Respondent does not use the disputed domain name for any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. The disputed domain name does not resolve to an active website, and it is configured to send e-mails, thereby indicating that it has been registered for phishing activities and spoofing purposes. The Complainant has provided a screenshot of the disputed domain name's resolving webpage, showing that the domain name is currently redirected to a website prima facie dedicated to yoga. The Complainant highlights that the corresponding website at the disputed domain name is clearly only an attempt to create arguments to contest the Complainant's claim of bad faith use, as the website does not work (all the links and buttons are inactive) and there is no information about the actual administrator of the page. The Panel finds the Respondent's failure to actively use the disputed domain name as evidence that the Respondent lacks rights or legitimate interests in the disputed domain name under Policy paragraph 4(c)(ii).

The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

Bad faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

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

(iii) the respondent has registered the 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 its website or other online 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 or service on the respondent's website or location.

The Complainant contends that the disputed domain name resolves to an inactive page, which constitutes bad faith registration and use. The Panel agrees that passive holding does not preclude a finding of bad faith under paragraph 4(a)(iii) of the Policy. see Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003 (finding that in considering whether the passive holding of a domain name, following a bad-faith registration of it, satisfies paragraph 4(a)(iii), the panel must give close attention to all circumstances of the respondent's behavior, and that relief may be granted if those circumstances show that the respondent's passive holding amounts to acting in bad faith).

The Panel notes the following circumstances:

(i) the reputation and distinctiveness of the Complainant's mark,

(ii) the fact that the disputed domain name is currently redirected to a website prima facie dedicated to yoga, which does not work (all the links and buttons are inactive) and there is no information about the actual administrator of the page,

(iii) the Respondent's failure to submit a response or provide any evidence of good-faith use,

(iv) the implausibility of any good-faith purpose, and

(v) the presence of active MX records indicating a risk of fraudulent e-mail activity, which may mislead Internet users into believing they are communicating with the Complainant.

Taking into account all of these circumstances, the Panel concludes that the Respondent's passive holding of the disputed domain name constitutes bad faith registration and use under paragraph 4(b)(iii) and (iv) of the Policy.

Next, the Complainant contends that the Respondent has registered and used the disputed domain name with actual knowledge of the Complainant's rights in the LYONDELLBASELL mark. While constructive knowledge is insufficient for a finding of bad faith per Policy paragraph 4(a)(iii), registration of an infringing domain name with actual knowledge of another's trademark rights is sufficient to establish bad faith, and can be shown by the notoriety of the mark and the use the Respondent makes of the disputed domain name. see Orbitz Worldwide, LLC v. Domain Librarian, FA 1535826 (Forum February 6, 2014) ("The Panel notes that although the UDRP does not recognize 'constructive notice' as sufficient grounds for finding Policy paragraph 4(a)(iii) bad faith, the Panel here finds actual knowledge through the name used for the domain and the use made of it."), see also AutoZone Parts, Inc. v. Ken Belden, FA 1815011 (Forum December 24, 2018) ("Complainant contends that Respondent's knowledge can be presumed in light of the substantial fame and notoriety of the AUTOZONE mark, as well as the fact that Complainant is the largest retailer in the field. The Panel here finds that Respondent did have actual knowledge of Complainant's mark, demonstrating bad faith registration and use under Policy paragraph 4(a)(iii).").

The Panel agrees and infers, due to the notoriety of the Complainant's mark around the world as noted above and the manner of use of the disputed domain name, which redirects Internet users seeking the Complainant to a non-functioning website pretending to be dedicated to yoga, that the Respondent had actual knowledge of the Complainant's rights in the LYONDELLBASELL mark at the time of registering the disputed domain name. Thus, the Panel finds that the disputed domain name was registered in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lyondellbasell-us.com**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm Esq.**

DATE OF PANEL DECISION 2026-06-04

Publish the Decision