

Decision for dispute CAC-UDRP-108533

Case number	CAC-UDRP-108533
Time of filing	2026-06-05 09:22:58
Domain names	arkemausa.com, arkematech.com

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	ARKEMA FRANCE
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Complainant representative

Organization	IN CONCRETO
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Respondent

Name	Jxing HE
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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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the trademark ARKEMA in various jurisdictions around the world, which include, inter alia, the following trademark registrations:

The international word mark ARKEMA, Registration No. 847865, registered on November 30, 2004, in Classes 1, 2, 3, 4, 5, 16, 17, 37, 38, 39, 40, 41, 42, and 45, designating many countries, including China;

The European Union word mark ARKEMA, Registration No. 004181731, registered on February 9, 2006, in Classes 1, 2, 3, 4, 5, 7, 9, 11, 12, 16, 17, 19, 20, 22, 25, 27, 35, 36, 37, 38, 40, 41, and 42;

The U.S. word mark ARKEMA, Registration No. 3082057, registered on April 18, 2006, in Classes 1, 2, 3, 4, 5, 16, 17, 41, 42, and 45.

FACTUAL BACKGROUND

The Complainant has been incorporated as "ARKEMA FRANCE" since 2006. The Complainant has been registered with the Trade and Companies Register of Nanterre (France) under Registration No. 319 632 790 since 1957. As of 2025, the Complainant is present in 55 countries throughout the world, with a total of 154 production plants, over 20,700 employees, and approximately €9.1

billion in sales. The Complainant is a global leader in materials science, offering a wide range of products for various sectors, such as paints, adhesives, coatings, glues, fibers, resins, raw materials, and finished materials for both general industry and consumer goods. The Complainant produces, resells, and distributes such materials. ARKEMA FRANCE is also a leader in the research and development of these materials.

The Complainant has developed a large customer base around the ARKEMA brands, which have achieved a strong reputation and significant recognition in the chemical industry. The Complainant has subsidiaries worldwide, notably in the United States of America through the company ARKEMA INC., which was incorporated in 2009. The United States of America is the Complainant's third largest national market. It operates 51 sites, including 40 manufacturing facilities, business centers, R&D facilities, and logistics centers, and employs more than 3,500 people. The Complainant, directly or through its subsidiaries, is the owner of multiple domain names including the brand "ARKEMA," used to promote its activities and products.

The disputed domain names <arkemausa.com> and <arkematech.com> were registered on May 7, 2026, and May 18, 2026, respectively. Both domain names reproduce the ARKEMA trademarks on their associated websites and refer to identical products, such as coatings, paints, additives, polymers, and resins, some of which are those of the Complainant.

PARTIES CONTENTIONS

COMPLAINANT:

(i) The Complainant has rights in the ARKEMA marks as identified in the section "Identification of Rights" above. The disputed domain names are confusingly similar to the Complainant's ARKEMA mark because they incorporate the Complainant's mark in its entirety, with the mere addition of a geographic term "USA," or a descriptive term "tech," plus the gTLD ".com";

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain names. The Respondent is not commonly known by the disputed domain names. A search on Google revealed that all of the results for "ARKEMA USA," "ARKEMAUSA," and "ARKEMAUSA.COM" refer to the Complainant, with the exception of the disputed domain name <arkemausa.com> regarding the last query. The same applies to searches for "ARKEMA TECH," "ARKEMATECH," and "ARKEMATECH.COM." The Respondent has not provided a bona fide offering of goods or services in connection with the disputed domain names. The disputed domain names resolve to impersonation websites, which impersonate and attempt to pass themselves off as the Complainant and the ARKEMA mark. The websites at the disputed domain names advertise and offer for sale ARKEMA branded products, without authorization from the Complainant. The contact details and social media links are all fake or remain inactive;

(iii) The Respondent has registered and is using the disputed domain names in bad faith. Given the reputation of the Complainant's mark and the Respondent's impersonation of the ARKEMA mark, the Respondent had knowledge of the Complainant's rights in the ARKEMA mark before registering the disputed domain names, which constitutes bad faith registration. The use of the disputed domain names in connection with commercial websites where the Complainant's trademark is misappropriated and prima facie counterfeit ARKEMA branded products are offered for sale, clearly indicates that the Respondent's purpose for registering the disputed domain names was to capitalize on the reputation of the Complainant's trademark.

RESPONDENT:

No administratively compliant response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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

Paragraph 15(a) of the Rules for 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 the 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 the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (2) the 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 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. webnetmarketing, 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 and Confusing Similarity

The Complainant claims rights in the ARKEMA mark as identified in the section “Identification of Rights” above. The Panel notes that national or international trademark registrations are sufficient to establish rights in those marks. Since the Complainant provides evidence of its trademark registrations with the WIPO, the EUIPO, and the USPTO above, the Panel finds that the Complainant has established rights in the mark ARKEMA.

The Complainant contends that the disputed domain names <arkemausa.com> and <arkematech.com> are confusingly similar to the Complainant's mark because the disputed domain names incorporate the Complainant's mark ARKEMA in its entirety, with the mere addition of a geographic term “USA,” or a descriptive term “tech,” plus the gTLD “.com.”

Adding a generic, descriptive, or geographical term, or non-distinctive letters and a gTLD to a mark fails to sufficiently distinguish a disputed domain name from a mark per Policy paragraph 4(a)(i). See *MONCLER S.P.A. v. Qiu Xiaofeng, Agayeva SEVINC, Petrosyan YELENA, Birzu GALINA, Karapetyan IRINA*, CAC-UDRP-105522 (CAC July 18, 2023) (“Adding a generic term and a gTLD to a mark fails to sufficiently distinguish a disputed domain name from a mark per Policy paragraph 4(a)(i).”); see also *Dell Inc. v. pushpender chauhan*, FA 1784548 (Forum June 11, 2018) (“Respondent merely adds the term ‘supports’ and a ‘.org’ gTLD to the DELL mark. Thus, the Panel finds Respondent's disputed domain name is confusingly similar to Complainant's DELL mark per Policy paragraph 4(a)(i).”). Therefore, the Panel finds that the disputed domain names are confusingly similar to the Complainant's ARKEMA mark per Policy paragraph 4(a)(i).

No rights or legitimate interests

The Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain names under Policy paragraph 4(a)(ii), then the burden shifts to the Respondent to show 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 names under Policy paragraph 4(c)(ii). The Panel notes that the unmasked WHOIS data lists “Jxing HE” as the registrant, and that a search on Google revealed that all of the results for “ARKEMA USA,” “ARKEMAUSA,” and “ARKEMAUSA.COM” refer to the Complainant, with the exception of the disputed domain name <arkemausa.com> regarding the last query. The same applies to searches for “ARKEMA TECH,” “ARKEMATECH,” and “ARKEMATECH.COM,” and there is no evidence in the record indicating that the Respondent was authorized to use the Complainant's ARKEMA mark. Therefore, the Panel finds that the Respondent is not commonly known by the disputed domain names under Policy paragraph 4(c)(ii).

The Complainant also contends that the disputed domain names were not used in connection with a bona fide offering of goods or services before any notice of the dispute. The disputed domain names have been redirected by the Respondent to websites where the Complainant's trademark ARKEMA is displayed, and unauthorized products are offered for sale. Where the Respondent uses a domain name to pass itself off as affiliated with the Complainant and redirect users to sell unauthorized goods, the Panel may find that the Respondent fails to make a bona fide offering of goods or services or a legitimate noncommercial or fair use per Policy

paragraph 4(c)(i) or (iii). See *Wolverine World Wide, Inc. v. Fergus Knox*, FA 1627751 (Forum Aug. 19, 2015) (finding no bona fide offering of goods or legitimate noncommercial or fair use existed where Respondent used the resolving website to sell products branded with Complainant's MERRELL mark, and were either counterfeit products or legitimate products of Complainant being resold without authorization); see also *Dell Inc. v. Devesh Tyagi*, FA 1785301 (Forum June 2, 2018) ("Respondent replicates Complainant's website and displays Complainant's products. The Panel finds that this use is not a bona fide offering of goods or services under Policy paragraph 4(c)(i) & (iii).").

The Complainant provides evidence of the disputed domain names resolving to webpages displaying the Complainant's mark and the same line of products, as well as offering for sale unauthorized versions of the Complainant's goods. The Panel specifically notes that the websites at the disputed domain names are highly likely to be fraudulent, based on the fact that both domain names redirect to websites where it is impossible to identify any real entity (no legal information), either on the "contact" pages or in the legal notices. The email addresses placed on the websites are not connected to any mail server. Additionally, there is no address mentioned on the website related to the domain name <arkematech.com>. In contrast, the address mentioned on the website related to the domain name <arkemausa.com> is the address of the headquarters of the Complainant's U.S. subsidiary, ARKEMA INC. The links to social media are also inactive on both websites.

Therefore, the Panel concludes that the use of the disputed domain names for the operation of the fraudulent websites does not constitute a bona fide offering of goods or services under Policy Paragraph 4(c)(i), nor is it a legitimate noncommercial or fair use under Policy Paragraph 4(c)(iii). Even if the websites at the disputed domain names are genuine, the Panel finds that the Respondent's use of the disputed domain names to sell products that compete directly with the Complainant's business does not constitute a bona fide offering of goods or services pursuant to Policy Paragraph 4(c)(i), or a legitimate noncommercial or fair use pursuant to Policy Paragraph 4(c)(iii). See *General Motors LLC v. MIKE LEE*, FA 1659965 (Forum Mar. 10, 2016) (finding that "use of a domain to sell products and/or services that compete directly with a complainant's business does not constitute a bona fide offering of goods or services pursuant to Policy Paragraph 4(c)(i) or a legitimate non-commercial or fair use pursuant to Policy Paragraph 4(c)(iii).").

The Panel finds that the Complainant has established a prima facie case based on the considerations above. These factors collectively establish a 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 names.

Bad faith

The Complainant contends that the Respondent registered and uses the disputed domain names in bad faith. The use of the disputed domain names in connection with commercial websites, where the Complainant's trademark is misappropriated and unauthorized ARKEMA branded products are offered for sale, clearly indicates that the Respondent's purpose for registering the disputed domain names was to capitalize on the reputation of the Complainant's trademark by diverting Internet users seeking the Complainant's products to its websites for financial gain.

The Panel observes that the websites resolving from the disputed domain names explicitly reference the competing product lines offered by the Complainant and prominently display the Complainant's mark ARKEMA, adopting a similar layout to the Complainant's official websites for the ARKEMA mark. As previously noted, the websites at the disputed domain names are highly likely to be fake. Even if the Respondent is offering products on the websites, the Panel finds that the Respondent's conduct was designed to impersonate the Complainant and mislead Internet users into believing they were interacting with the Complainant or with an authorized outlet. Such behavior not only creates a likelihood of confusion but also intentionally diverts consumers away from the Complainant's official website, thereby interfering with the Complainant's business operations and exploiting the goodwill associated with its mark for commercial gain. Accordingly, the Panel concludes that the Respondent's conduct satisfies the criteria for bad faith registration and use under Paragraphs 4(b)(iii) and 4(b)(iv) of the Policy. See *Xiaomi Inc. v. Nguyễn Đức Đạt (N/A)*, CAC-UDRP-107237 (CAC Feb. 12, 2025) (finding that the respondent's use of a disputed domain name to offer competing products disrupted the complainant's business and misled Internet users by falsely suggesting affiliation with the complainant, thereby supporting a finding of bad faith registration and use under Policy paragraph 4(b)(iv)).

Next, the Complainant contends that, given the reputation of the Complainant's mark and the Respondent's impersonation of the ARKEMA mark, the Respondent had knowledge of the Complainant's rights in the ARKEMA mark before registering the disputed domain names, which constitutes bad faith registration.

The Panel notes that the Complainant's ARKEMA mark was well known prior to the registration of the disputed domain names, as outlined in the section "Factual Grounds," above, and takes note of the Respondent's activities of passing itself off as the Complainant. The Panel infers, due to the notoriety of the Complainant's mark, the impersonating manner of use of the disputed domain names, and the registration of two domain names incorporating the Complainant's mark, that the Respondent had knowledge of the Complainant's rights in the ARKEMA mark before registering the disputed domain names, which constitutes bad faith registration per Policy paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. arkemausa.com: Transferred
 2. arkematech.com: Transferred
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PANELLISTS

Name Mr. Ho-Hyun Nahm Esq.

DATE OF PANEL DECISION 2026-07-02

Publish the Decision
