Decision for dispute CAC-UDRP-108778

Case number	**CAC-UDRP-108778**
Time of filing	**2026-06-26 09:45:14**
Domain names	**arkemabenefits.com**

Case administrator

Name	**Olga Dvořáková (Case admin)**

Complainant

Organization	**ARKEMA FRANCE**

Complainant representative

Organization	**IN CONCRETO**

Respondent

Name	**Shi Lei**

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 submitted evidence that it is the owner of the following registered trademarks:

- International word mark ARKEMA, registration No. 847865, filed on 30 November 2004 and registered in Classes 1–5, 16, 17, 37–42, and 45, with protection in numerous jurisdictions;
- International figurative mark ARKEMA, registration No. 1665655, filed on 21 April 2022 and registered in Classes 1, 16, 17 and 42;
- European Union word mark ARKEMA, registration No. 004181731, filed on 8 December 2004 and registered in Classes 1–5, 7, 9, 11, 12, 16, 17, 19, 20, 22, 25, 27, 35–38 and 40–42;
- European Union figurative mark ARKEMA, registration No. 018593819, registered on 5 November 2022 and registered in Classes 1, 16, 17, 19 and 42;
- United States word mark ARKEMA, registration No. 3082057, filed on 16 December 2004 and registered in Classes 1–5, 16, 17, 41, 42 and 45; and
- United States figurative marks ARKEMA, registration Nos. 4411135, 7103733 and 7103734, filed between 2013 and 2022 and registered in various classes, including Classes 1, 16, 17, 19 and 42.

These trademarks are hereinafter referred to as the “Trademarks”.

The Complainant is also the owner of numerous domain names including but no limitatively <arkema.com>, <arkema.info>, <arkema.eu> or again <arkema.us> since 2001 for the earliest registration.

FACTUAL BACKGROUND

The Complainant indicates that it is a French-based company present in 55 countries all around the world in 2025. The Complainant clarifies that it has 154 production plants and over 20,700 employees.

The Complainant points out that it is a world leader as regards production and distribution of paints, adhesives, coatings, glue, fibre, resins, raw materials and finished materials for both general industry and consumer goods. The Complainant underlines that it is also a leader in the research and development of the above-mentioned products and materials.

The Complainant adds that it has achieved a strong reputation and significant recognition in the chemical industry.

The Complainant observes that the United States of America is its third largest national market, where it has more than 3,500 employees and 51 sites, including 40 manufacturing facilities, business centers, research and development activities and logistics centers.

The disputed domain name was registered on 19 May 2026.

PARTIES CONTENTIONS

The Complainant contends that:

The disputed domain name is confusingly similar to the Complainant's trademarks

The Complainant asserts that the addition of the term “benefits” is not sufficient to escape the finding that the domain name is confusingly similar to the trademark ARKEMA.

The Complainant concludes that the disputed domain name is confusingly similar to its ARKEMA trademark.

The Respondent does not have any rights or legitimate interest in the disputed domain name

The Complainant contends that the Respondent is not commonly known by the disputed domain name and that the Respondent is not affiliated with or authorized by the Complainant in any way.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and is not related to the Complainant’s business in any way. The Complainant does not carry out any activity for, nor does it have any business dealings with, the Respondent.The Complainant further contends that the disputed domain name was redirecting to a fraudulent website reproducing the Complainant's website, and that this is a typical case of impersonation and undeniable evidence that the Respondent has no rights or legitimate interests in respect of the domain name.

The disputed domain name has been registered and is being used in bad faith

The Complainant contends that the Respondent could not be unaware of the existence of the ARKEMA trademark at the time of registration of the disputed domain name, not only because ARKEMA is a well-known trademark, but also in consideration of the nature of the domain name.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

It ought to be indicated that the Centre was not able to send the written notice to the Respondent at the address provided by the registrar in the registrar verification does not exist. The postal service provider would not be able to deliver a written notice to such an address. No further postal address could be found.

The notice of the Commencement of the administrative proceeding was therefore only sent by e-mail. Yet, the e-mail notice was sent to <postmaster@arkemabenefits.com> and <fourstone@126.com> but the Czech Arbitration Court never received any proof of delivery or notification of undelivery. No further e-mail addresses could be found on the disputed sites.

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 accordance with paragraph 4(a) of the Policy, in order to obtain the transfer of a domain name, the complainant has to demonstrate that:

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 in respect of the domain name; and
iii. The domain name has been registered and is being used in bad faith.

IDENTICAL OR CONFUSINGLY SIMILAR

The first requirement that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant’s trademark.

There are two elements of this test: for each domain name, the Complainant must demonstrate that it has rights in a trademark or service mark and, if so, the disputed domain name must be shown to be identical or confusingly similar to the trademark or service mark.

The co-Complainants have proven ownership of the registered trademark "ARKEMA", identified in section "Identification of rights".

The Panel observes that the registration of the Complainant's trademark predates the registration of the disputed domain name.

On the question of identity or confusing similarity, what is required is simply a comparison and assessment of the disputed domain name to the Complainant’s trademark.

The Trademark ARKEMA is identically and entirely reproduced in the disputed domain name, the addition of the generic word “BENEFITS” does not modify the perception of the reproduction.

Furthermore, this finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:

- disregarding the top-level suffix in the domain name (i.e. “.com”);

The Panel notes that a common practice has emerged under the Policy to disregard in appropriate circumstances the general Top-

Level Domain (“gTLD”) section of domain names for the purposes of the comparison under the Policy, paragraph 4(a)(i). The Panel sees no reason not to follow the same approach here, so it will disregard the “.com” gTLD section of the disputed domain name.

- finding that the identical reproduction of the trademark right or the same with the addition of a generic word i.e. "benefits" would not be considered sufficient to distinguish the domain names from the concerned trademark being reproduced strictly identically, which is intentionally designed to be confusingly similar to the trademark. Moreover, it covers not only the activity of the Complainant the benefits or financial revenue deriving from the Complainant's activity.

The disputed domain name is therefore confusingly similar to the earlier right “ARKEMA”, and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

RIGHTS OR LEGITIMATE INTERESTS

The second requirement that the complainant must prove is that the respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the respondent has rights or legitimate interests in a domain name:

i. before any notice to [the Respondent] of the dispute, [the Respondent’s] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
ii. [the Respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [the Respondent] [has] acquired no trademark or service mark rights; or
iii. [the Respondent] [is] making a legitimate non-commercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

This is a non-exhaustive list of circumstances in which a respondent can show rights or legitimate interests in a domain name.

The onus of proving this requirement falls on the Complainant. UDRP panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”.

Accordingly, it is usually sufficient for a complainant to raise a prima facie case against the respondent and the burden of proof on this requirement shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in a domain name.

The Panel finds that the Complainant has made out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name.

In particular, the Complainant states that:

- It has no relationship whatsoever with the Respondent and has never licensed or otherwise authorized the Respondent to use the “ARKEMA” trademark in the disputed domain names;
- It has exclusive trademark rights which predate the registration of the disputed domain names;
- The Respondent cannot demonstrate any legitimate offering of goods or services under the "ARKEMA" trademark;
- In the absence of a license or permission from the Complainant concerning the use of its trademark, no bona fide or legitimate use of the disputed domain names can reasonably be claimed;
- No credible evidence that the Respondent is commonly known by the domain name is shown;
- The Respondent does not hold any trademark or service mark right on the "ARKEMA" trademark;

The disputed domain name resolves first to a pay-per-click page clearly mentioning "arkema employee benefit portal", then to a fake website and lastly to a website dedicated to sports articles.

In the absence of any arguments or evidence to the contrary, this leads the Panel to the conclusion that it is more likely than not that the Respondent, being aware of the goodwill of the Complainant’s ARKEMA trademark, has registered the disputed domain name targeting this trademark in an attempt to exploit its goodwill by attracting Internet users who may believe that the disputed domain name and the website to which it redirects are somehow related to the Complainant.

Furthermore, the Respondent has failed to demonstrate any of the other non-exclusive circumstances evidencing rights or legitimate interests under paragraph 4(c) of the Policy or other evidence of rights or legitimate interests in the disputed domain names.

The Respondent does not appear to make any legitimate non-commercial or fair use of the disputed domain names, nor any use in connection with a bona fide offering of goods or services. Indeed, the disputed domain name redirects to webpages where “pay per click” links are visible.

The Panel considers that, on the balance of probabilities, the Respondent knew the Complainant's trademark and registered the disputed domain name with knowledge of the Complainant's rights. Indeed, it is not conceivable that the Respondents did not have the Complainant's trademarks in mind when registering and using the disputed domain name. Under these circumstances, it cannot be concluded that the Respondents are making a "fair" use of the disputed domain names.

Taking into account that the Respondents is not commonly known as the disputed domain names, that the Respondent has no connection or business relationship with the Complainant, that the Complainant has not authorized the Respondent to use its trademark in the disputed domain name, that the disputed domain name are used by webpages where “pay per click” links are visible and not for any other legitimate purpose, the Panel cannot imagine any possible legitimate justification for this use, and the Respondent has not come forward with any explanation that demonstrates any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

REGISTERED AND USED IN BAD FAITH

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, including:

(i) circumstances indicating that [the Respondent] [has] registered or [has] acquired the [disputed] domain name primarily for the purpose of selling, renting, or otherwise transferring the [disputed] domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the Respondent's] documented out-of-pocket costs directly related to the [disputed] domain name; or

(ii) [the Respondent] [has] registered the [disputed] 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 [disputed] domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the [disputed] domain name, [the Respondent] [has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent's] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the Respondent's] web site or location or of a product or service on [the Respondent's] web site or location.

The Panel, on the basis of the evidence presented, agrees with the Complainant's contentions that the disputed domain name was registered in bad faith and that they have been used in bad faith.

The Panel agrees that it is inconceivable that the Respondent was not aware of the Complainant's rights in the Complainant's trademarks when registering the disputed domain name simply by reproducing identically and adding a generic term "benefits" and using it with a pay-per-click website including the tradename and trademark of the Complainant.

As regards the Respondent use of a privacy service when registering the disputed domain name, in line with other Panels' view, the Panel considers that, although the use of such service is not in and of itself an indication of bad faith, the circumstances and the manner in which such service is used may have an impact in the assessment of bad faith (see CAC Case No. 105097).

The Panel, having taken into account the Respondent's knowledge of the Complainant's trademarks at the time of the disputed domain name's registration, the use of the disputed domain name in "pay per click" pages, the lack of reply to the complaint, and the use of a privacy service, considers that the disputed domain name was registered and is being used in bad faith.

Additionally, the pattern of conduct of Respondent Lei Shi involved in over 10 UDRP cases previously, would weigh in favor of bad faith conduct.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arkemabenefits.com**: Transferred

PANELLISTS

Name	**David-Irving Tayer**

DATE OF PANEL DECISION 2026-08-02

Publish the Decision