Decision for dispute CAC-UDRP-108709

Case number	**CAC-UDRP-108709**
Time of filing	**2026-07-08 09:50:22**
Domain names	**arkema-na.com**

Case administrator

Name	**Olga Dvořáková (Case admin)**

Complainant

Organization	**ARKEMA FRANCE**

Complainant representative

Organization	**IN CONCRETO**

Respondent

Organization	**Eric WONG**

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 evidence has established that the Complainant is the owner of a portfolio of registered trademarks for ARKEMA including:

(a) the international trademark for ARKEMA N° 847.865 registered on November 30, 2004;

(b) the European Union trademark for ARKEMA N°004.181.731 registered on February 9, 2006;

(c) the United States trademark for ARKEMA N°3.082.057 registered on April 18, 2006;

(collectively “the ARKEMA trademark”).

FACTUAL BACKGROUND

The Complainant is a French company engaged in the provision of materials science used in connection with paint, adhesives, coats, glue, fibers, resins, raw material, finished products and related goods and services and has been so engaged since at least 2006. It is the owner of the aforesaid constituent trademarks of the ARKEMA trademark which it has used for many years and prior to the registration by the Respondent of the domain name <arkema-na.com> (“the Disputed Domain Name”). It has come to the notice of the Complainant that the Respondent registered the Disputed Domain Name on June 5, 2026 and caused it to resolve to a website which is a copy of the Complainant's official website at www.arkema.com. The Complainant is concerned that the registration and use of the Disputed Domain Name in this manner is an infringement of its rights in the ARKEMA trademark and also that this use of the Disputed Domain Name shows that it may well be used in the future by the Respondent for fraudulent and unauthorized purposes such as passing off and impersonating the Complainant if it remains in the ownership of the Respondent. Accordingly, the Complainant has instituted this proceeding to have the Disputed Domain Name transferred to itself.

PARTIES CONTENTIONS

Complainant

The Complainant made the following contentions.

(i) The Disputed Domain Name is confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant owns the trademark for ARKEMA which it registered many years before the Respondent registered the Disputed Domain Name on June 5, 2026.

The Disputed Domain Name incorporates the ARKEMA trademark in its entirety with the addition of a hyphen and the letters "na" and the Top Level Domain ".com." The trademark is clearly recognizable in the Disputed Domain Name. The addition of elements such as a hyphen are ignored by panels when considering the issue of confusing similarity as they are not significant enough to influence the outcome of that issue. It is also well-established that the addition of letters such as "na" as in the present case cannot influence a decision on confusing similarity if the relevant trademark is clearly recognizable, which in the present case it is. Finally, the addition of a Top Level Domain such as ".com" in the present case cannot influence this decision as all domain names must have some such extension. In the present case it is very apparent that the Disputed Domain name invokes the Complainant's trademark which is clearly recognizable. The Disputed Domain Name is thus similar and confusingly similar to the trademark, as internet users would undoubtedly conclude that it is a domain name of the Complainant or one that is authorized by it.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Complainant is first required to make out a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name and, if such a prima facie case is made out, the onus of proof is then transferred to the Respondent to rebut any such prima facie case that has been established.

The Complainant submits that, for the following reasons, it can make out its prima facie case:

- the Respondent does not have a registered trademark for ARKEMA-NA or any similar trademark;
- the Respondent is neither a licensee nor an authorized distributor of the Complainant and the Complainant has not given any consent to the Respondent to use its aforesaid trademark;
- the Disputed Domain Name was registered after the Complainant had acquired its aforesaid trademark rights and the goodwill and renown attached to them;
- the Respondent has fraudulently used the Disputed Domain Name to resolve to a website that reproduces the Complainant's official website at www.arkema.com and has allowed it to so resolve until it was taken down at the instigation of the Complainant;
- the Respondent has used the Disputed Domain Name to impersonate and pass itself off as the Complainant;
- the Respondent has used the Disputed Domain Name to exploit the Complainant's goodwill and renown in the ARKEMA trademark to make money by such means and in all probability to phish for personal and financial information from internet users;
- the Respondent is not commonly known by the Disputed Domain Name;
- the Respondent has not used the Disputed Domain Name for a bona fide purpose;
- the Respondent has not used the Disputed Domain Name for a legitimate noncommercial or fair use; and
- there is no other ground on which it could conceivably be argued that the Respondent has a right or legitimate interest in the Disputed Domain Name.

Accordingly, the Complainant submits that it has made out a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

(iii) The Disputed Domain Name was registered and is being used in bad faith.

That is so on the following grounds.

- the Respondent has registered the Disputed Domain Name that is confusingly similar to the ARKEMA trademark in which the Respondent has no right or legitimate interest;
- at the time of the registration of the Disputed Domain Name, the Complainant had established an international reputation and extensive goodwill in its ARKEMA trademark;
- the ARKEMA trademark was highly recognizable and had attracted substantial goodwill and recognition at the time the Respondent registered the Disputed Domain Name;

- the Respondent has caused the Disputed Domain Name to resolve to a website on which the Complainant's ARKEMA trademark is prominently displayed and which purports to offer the Complainant's goods and services for sale;
- at the time the Registrant registered the Disputed Domain Name, the Respondent had actual knowledge of the ARKEMA trademark and its association with the Complainant and its goods and services;
- it is self-evident that the Respondent chose the Disputed Domain Name to mislead internet users and that the Respondent registered and used it for that purpose, including by causing it to resolve to the Respondent's offending website and by allowing it to so remain until it was taken down at the instigation of the Complainant;
- in the course of retaining the Disputed Domain Name, the Respondent configured its e-mail servers to convey fraudulent, misleading and unauthorized e-mails which was a potential misuse of the Disputed Domain Name whilst it remained in the ownership or under the control of the Respondent; and

- there is no other circumstance tending to suggest that the Respondent registered and used the Disputed Domain Name with any intention other than to do so in bad faith.

Accordingly, the Complainant submits that the Respondent has registered and used the Disputed Domain Name in bad faith.

The Complainant thus submits that it will establish all of the elements it is required to prove under the Policy and that it is entitled to the relief that it seeks, namely transfer of the Disputed Domain Name.

RESPONDENT

The Respondent is in default and has not filed a Response in this proceeding.

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

This is a mandatory administrative proceeding pursuant to Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP") of the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the CAC Supplemental Rules.

A. Administrative deficiency

By notification dated July 10, 2026 and in accordance with Paragraph 4 (b) of the Rules, the CAC notified the Complainant that the Complaint was administratively deficient in that it had not sufficiently identified the Respondent. The Complainant was invited to see the Registrar's Verification available in the online case file in the form of a non-standard communication regarding the appropriate identification of the domain name holder.

On July 10, 2026, the Complainant filed an Amended Complaint correcting the deficiency and the CAC thus determined on July 13, 2026 that the Complaint should be admitted to proceed further in the Administrative Proceeding.

The Panel has reviewed all of the above matters and makes a finding that within the meaning of Paragraph 4(b) of the Rules, the administrative deficiencies have been corrected and that this matter has proceeded properly to the Panel in accordance with the Policy and the Rules.

B. Substantive matters

Paragraph 15 of the Rules provides that the Panel is to decide the complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In that regard, the Panel also notes that the onus is on the Complainant to make out its case, and past UDRP panels have consistently said that a complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

The Panel therefore turns to discuss the various issues that arise for decision on the facts as they are known.

For the Complainant to succeed it must prove, within the meaning of Paragraph 4(a) of the Policy, 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.

The Panel will therefore deal with each of these requirements in turn.

1. Identical or Confusingly Similar.

The first issue that arises is whether the Complainant has a trademark on which it may rely in this proceeding. In that regard, the Panel finds that the Complainant has adduced evidence that the Panel accepts, that it is the registered owner of the ARKEMA trademark, particulars of which have been set out above. That evidence is in documentary form that the Panel has examined and finds to be in order. The Panel therefore finds that the Complainant has established its trademark rights and hence its standing to institute this proceeding.

The next issue that arises is whether the Disputed Domain Name is identical or confusingly similar to the ARKEMA trademark.

The Panel finds that the Disputed Domain Name is confusingly similar to the ARKEMA trademark. That is so for the following reasons.

The Disputed Domain Name was registered by the Respondent on June 5, 2026 and incorporates the Complainant's ARKEMA trademark in its entirety with the addition of a hyphen, the letters "na" after the trademark and the Top Level Domain ".com." The trademark is clearly recognizable in the Disputed Domain Name and is its dominant feature. Thus, an internet user would naturally conclude that it is invoking the ARKEMA trademark and that it is a domain name of the Complainant or one authorized by it.

It is clear and well-established that the addition of elements such as a hyphen are ignored by panels when considering the issue of confusing similarity as they are not significant enough to influence the outcome of that issue if the relevant trademark is recognizable in the domain name, as it is in the present case. It is also clear and well-established that the addition of letters such as "na" in the present case cannot negate a finding on confusing similarity if the relevant trademark is clearly recognizable, which in the present case it is. Finally, the addition of a Top Level Domain, such as ".com" in the present case, cannot influence this decision as all domain names must have some such extension. Accordingly, in the present case it is abundantly clear that the primary effect of the Disputed Domain Name is that it invokes the Complainant's trademark which is clearly recognizable. The Disputed Domain Name is thus similar and confusingly similar to the trademark, as internet users would conclude that it is a domain name of the Complainant or one that is authorized by it and that it will lead to the Complainant and its legitimate business conducted under the domain name.

Thus, in the present case, the Disputed Domain name invokes the Complainant and the presence of the hyphen, the letters "na" and the Top Level Domain ".com" do nothing but confirm that invocation and certainly do not affect the recognizability of the trademark.

Taking all of these matters into consideration, the Panel finds that the Disputed Domain Name is confusingly similar to the ARKEMA trademark.

The Complainant has therefore established the first element that it must show under Paragraph 4(a)(i) of the Policy.

2. Rights or Legitimate Interests.

Under Paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

But by virtue of Paragraph 4(c) of the Policy, it is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to you [respondent] of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you [respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you [respondent] are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if a respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its onus and the complaint will fail. It is also well-established that a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests and that when such a prima facie case is made out, the respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent cannot do so, a complainant is deemed to have satisfied Paragraph 4(a)(ii) of the Policy.

The Panel, after considering all of the evidence in the Complaint, finds that the Complainant has made out a strong prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

The case is made the stronger by the Complainant having adduced relevant documentary evidence which the Panel accepts and which will shortly be referred to, and by the Complainant's citation and discussion of previously decided UDRP cases which support its contentions.

The Panel will address each of the grounds relied on by the Complainant in the order in which they have been submitted by the Complainant.

Those grounds are that:

- the evidence establishes that the Respondent does not have a registered trademark for ARKEMA-NA or any similar trademark; thus, the Disputed Domain Name cannot be said to reflect a trademark legitimately owned by the Respondent; this is confirmed by one of the Annexes to the Complainant which shows that searches of the expressions ARKEMA-NA and ARKEMA-NA.COM resolve not to the Respondent but to the Complainant;

- the Respondent is neither a licensee nor an authorized distributor of the Complainant and the Complainant has not given any consent to the Respondent to use its aforesaid trademark; the evidence is that the Complainant did not give any permission or authority to the Respondent to register or use the Disputed Domain Name and in particular did not give any permission or authority to the Respondent to use its trademark in a domain name or in any other way; moreover, the evidence is that there is no affiliation, business or other relationship between the Complainant and the Respondent; thus it could not be contended that the Disputed Domain Name was registered with any type of consent by the Complainant; this negates any suggestion that the Respondent’s conduct could give rise to a right or legitimate interest in the Disputed Domain Name;
- the evidence shows that the Disputed Domain Name was registered after the Complainant had acquired its aforesaid trademark rights and the goodwill and renown attached to them and thus it must be concluded that in view of the fame of the ARKEMA trademark, the Respondent must have been aware of the trademark and the Complainant’s exclusive rights to it when it, the Respondent, registered the Disputed Domain Name;
- the Respondent has fraudulently used the Disputed Domain Name to resolve to a website that reproduced the Complainant’s official website at arkema.com and to allow it to so resolve until it was taken down at the instigation of the Complainant; this is shown by one of the Annexes to the Complainant which makes it clear that the Disputed Domain Name resolved to the Complainant’s official and genuine website; this Annex also shows that the resolving website makes extensive use of the ARKEMA trademark, promotes the Complainant's products with expressions such as “(a)ccess all our products” and gives purported details of the Complainant’s activities such as trade shows and other promotions; in addition, the evidence makes it clear that the Respondent had no authority or permission to engage in these deceptive and misleading statements on its website;

- the Respondent has used the Disputed Domain Name to impersonate and pass itself off as the Complainant; it is clear from the evidence, that the Respondent wanted to and set about trying to give the false impression that it was the Complainant and that the Complainant’s goods and services could be obtained via the offending website, which was clearly false;

- the evidence shows that the conclusion must be drawn that the Respondent has used the Disputed Domain Name to exploit the Complainant’s goodwill and renown in the ARKEMA trademark to make money for itself by such means and in all probability to phish for personal and financial information from internet users and by means of fraudulent e-mails;

- the evidence shows that the Respondent is not commonly known by the Disputed Domain Name; the Complainant has correctly pointed to various features of the Disputed Domain Name and how it has been set up which prove this issue, and in any event, there is no evidence that the Respondent is known by that name and no evidence that it is known by any name other than its own, which is Eric Wong;
- the Respondent has not used the Disputed Domain Name for a bona fide purpose; there is no way in which the Respondent’s conduct set out above could be described as bona fide as it was clearly designed to pretend that the Respondent was the Complainant, to defraud the Complainant by one means or another and was based on deception with the intention of misleading internet users;
- the evidence shows that the Respondent has not used the Disputed Domain Name for a legitimate noncommercial or fair use; the machinations of the Respondent were illegitimate, commercial and not fair, either to the Complainant and to internet users in general; and
- the evidence shows that there is no other ground on which it could conceivably be argued that the Respondent has a right or

legitimate interest in the Disputed Domain Name.

Accordingly, the Panel finds that the Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

The Respondent has not rebutted the prima facie case as it is in default and has not filed a Response.

The Complainant has therefore made out the second of the three elements that it must establish under Paragraph 4(a)(ii) of the Policy.

3. Registered and Used in Bad Faith

The Complainant must prove on the balance of probabilities both that the Disputed Domain Name was registered in bad faith and that it is being used in bad faith.

Paragraph 4(b) of the Policy sets out four circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive.

The four specified circumstances are:

(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 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 the respondent’s website 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 website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the Disputed Domain Name in bad faith on all of the grounds relied on by the Complainant.

The Panel will deal with each of those grounds in the order in which they have been raised by the Complainant.

They are that:

- the Respondent has registered the Disputed Domain Name that is confusingly similar to the ARKEMA trademark and in which the Respondent has no right or legitimate interest; it has already been established that the Disputed Domain Name was registered by the Respondent and the Panel is satisfied that it is confusingly similar to the trademark;
- at the time of the registration of the Disputed Domain Name, the Complainant had established an international reputation and extensive goodwill in its ARKEMA trademark; this has been shown by evidence of the date of the registration and that, by that date, the Complainant had owned the trademark for several years by which time it had established an internationally renowned reputation; thus, a registration in those circumstances must have been in bad faith because the Respondent knew it was highly improper to do so;
- the ARKEMA trademark was highly recognizable and had attracted substantial goodwill and recognition at the time the Respondent registered the Disputed Domain Name; this has already been established by the evidence;
- the Respondent has caused the Disputed Domain Name to resolve to a website on which the Complainant’s ARKEMA trademark is prominently displayed; this has been established by the evidence; thus, the Respondent was clearly infringing the Complainant's trademark for its own ends;

- at the time the Registrant registered the Disputed Domain Name, the Respondent had actual knowledge of the ARKEMA trademark and its association with the Complainant and its goods and services; clearly the Respondent knew exactly what it had to show to create the false impression among internet users that it was the Complainant or was authorized by it and it set about creating that illusion by using the Complainant’s trademark and simply copying the Complainant’s official website, which was a trademark infringement and completely dishonest and misleading; thus, the Respondent had actual knowledge of the Complainant and its trademark; indeed, the Respondent could not have carried out its subterfuge if it had not had that actual knowledge;
- it is self-evident that the Respondent chose the Disputed Domain Name to mislead internet users and that the Respondent registered and used it for that purpose, including by causing it to resolve to the Respondent’s offending website and by allowing it to so remain until it was taken down at the instigation of the Complainant;
- the evidence in one of the Annexes shows that in the course of retaining the Disputed Domain Name, the Respondent configured its e-mail servers to convey fraudulent, misleading and unauthorized e-mails, a potential misuse of the Disputed Domain Name whilst it remains in the ownership or under the control of the Respondent; this is bad faith as it creates the propensity to use the Disputed Domain Name for other and later acts of deception and fraud; and

- there is no other circumstance tending to suggest that the Respondent registered and used the Disputed Domain Name with any intention other than to do so in bad faith.

The Complainant has made out all of the grounds it has relied on and accordingly the Panel finds that the Respondent has registered and used the Disputed Domain Name in bad faith.

The Complainant has therefore made out the third of the three elements that it must establish under Paragraph 4(a)(iii) of the Policy.

The Complainant has therefore established all of the elements it is required to prove under the Policy and the Respondent is in default and has not filed a Response. The Complainant is therefore entitled to the relief that it seeks, namely transfer of the Disputed Domain Name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arkema-na.com**: Transferred

PANELLISTS

Name	**Neil Brown**

DATE OF PANEL DECISION 2026-08-06

Publish the Decision