

Decision for dispute CAC-UDRP-108877

Case number	CAC-UDRP-108877
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Time of filing	2026-07-31 09:51:31
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Domain names	arkema-netherland.com
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Case administrator

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

Organization	ARKEMA FRANCE
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Complainant representative

Organization	IN CONCRETO
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Respondent

Organization	Van Diemen
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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 name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the ARKEMA trademark in different jurisdictions. By way of example, an international trademark with registration number 847865 filed on November 30, 2004, or a European Union Trademark with registration number 004181731, registered on February 9, 2006.

FACTUAL BACKGROUND

The Complainant is a French company producing, reselling, and distributing a wide range of products for various domains such as paints, adhesives, coats, glue, fiber, resins, raw materials, and finished materials.

By 2025 the Complainant is present in 55 countries with over 20.700 employees and approximately € 9.1 billion in sales.

The Complainant is a leader in specialty materials, and the ARKEMA trademark enjoys recognition and fame.

The Complainant also holds a portfolio of domain names for ARKEMA. These include, <arkema.com>, <arkema.info> or <arkema.eu>.

The disputed domain name was registered on June 3, 2025, and is inactive.

PARTIES CONTENTIONS

THE COMPLAINANT

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

In particular, the Complainant alleges that the disputed domain name consists of the addition of a geographical term, in this case, "Netherland" and a hyphen in between, which is not sufficient to avoid the likelihood of confusion. Thus, the disputed domain name is confusingly similar for the purposes of the first element.

The Complainant contends that the Respondent has neither been licensed nor authorized to register a domain name incorporating the Complainant's ARKEMA mark. Furthermore, the disputed domain name has been inactive since its registration.

The Complainant also alleges that the contact email in the verification registrar record shows an email address seemingly in connection with a third company which is a competitor of the Complainant. Indeed, this third company has no link to or relation with the Complainant. Moreover, the address provided by the Respondent does not correspond to that third company, but to a different one.

Regarding the third requirement of the Policy the Complainant says that due to its reputation and fame in the chemical industry, the Respondent should have been aware of it. Thus, the registration was made in bad faith.

The Complainant also contends that the disputed domain name is passively held by the Respondent and notes that prior decisions have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding (Section 3.3. of the WIPO Overview 3.0).

THE 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

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

1. Identical or Confusingly Similar

The Complainant has shown rights in respect of the ARKEMA trademark for the purposes of the Policy. The Panel finds that by

adding a geographical term, namely “Netherland” and a hyphen the Respondent does not avoid confusing similarity for UDRP purposes because the Complainant’s trademark is easily recognizable in the disputed domain name.

The applicable Top-Level Domain (‘TLD’) in a domain name is generally viewed as a standard registration requirement and as such is disregarded under the first element test.

The Panel finds that the first element of the Policy has been established.

2. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out non-exclusive examples in which the Respondent may establish rights or legitimate interests in the disputed domain name. However, while the burden of proof in UDRP proceedings rests on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of “proving a negative”. Accordingly, panels have established, since the inception of the UDRP, that it is sufficient to raise a prima facie case against the respondent and then the evidential burden of production shifts to the respondent. See CAC-UDRP-106452.

Having reviewed the available record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds that the circumstances referred to in paragraph 4(c) do not apply to the Respondent, nor does any other legitimate circumstance apply in favour of the Respondent. The Panel also notes that since the disputed domain name is inactive and has no real content, establishing a bona fide or legitimate use is unfeasible. Moreover, the Panel finds that the disputed domain name carries a high risk of impersonation, which cannot be admitted as legitimate for UDRP purposes.

The Panel finds that the second element of the Policy has been established.

3. Register and Use in Bad Faith

The Panel finds that the Respondent knew or should have known about the Complainant and its trademarks. The composition of the disputed domain name, the reputation of the Complainant’s trademark, and the fact that all leading search results obtained by typing “Arkema” into the Google search engine refer to the Complainant, lead the Panel to conclude that the Respondent targeted the ARKEMA trademark. Therefore, the Respondent registered the disputed domain name in bad faith.

Moreover, the Panel notes the reproduction of the ARKEMA trademark in the disputed domain name, the lack of any formal Response on the merits, the absence of any evident legitimate explanation for the registration and, the lack of use of the disputed domain name which leads to apply the Passive Holding Doctrine. Being that as it is, the Panel accepts that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. arkema-netherland.com: Transferred

PANELLISTS

Name	Manuel Moreno-Torres
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DATE OF PANEL DECISION 2026-08-28

Publish the Decision