

Decision for dispute CAC-UDRP-108891

Case number	CAC-UDRP-108891
Time of filing	2026-08-31 09:44:45
Domain names	lyondellbasellusa.com

Case administrator

Name	Olga Slanařová (Case admin)
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Complainant

Organization	LyondellBasell Industries Holdings B.V.
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Complainant representative

Organization	Barzanò & Zanardo S.p.A.
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Respondent

Organization	Eichmann LLC
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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 numerous registrations for the trademark "LYONDELLBASELL", including the European Union trademark No. 006943518, "LYONDELLBASELL" registered on January 21, 2009 for goods and services in classes 1, 4, 17, 42 and 45.

The disputed domain name was registered on August 5, 2026.

FACTUAL BACKGROUND

The Complainant is a multinational chemical company with European and American roots. The Complainant states that it is the third largest plastics, chemicals and refining company and the largest licensor of polyethylene and polypropylene technologies in the world. The Complainant points out that it operates in more than 100 countries. The Complainant underlines that it owns numerous domain names consisting in, inter alia, the trademark "LYONDELLBASELL", such as <lyondellbasell.com> used as main website since October 23, 2007. The Complainant adds that it is also present on the main social media.

The Complainant argues that the Complainant may have provided false information in the Whois as regards the disputed domain name, because it refers to a company type that does not exist in Switzerland, and the Swiss postal address provided does not exist.

The Complainant considers that the disputed domain name is confusingly similar to its trademark "LYONDELLBASELL" because the latter is recognizable within the disputed domain name, notwithstanding the addition of the geographical term "USA".

The Complainant states that:

- it has no relationship with the Respondent whatsoever;
- the Respondent has never received any approval from the Complainant to use its trademarks, nor to register any domain name identical or confusingly similar to them;
- there is no evidence that the Respondent has acquired any rights in a trademark or trade name corresponding to the disputed domain name;
- the disputed domain name is set up with active MX records for sending and receiving emails, indicating a possible involvement in phishing activities.

The Complainant submits that the Respondent registered the disputed domain name confusingly similar to the Complainant's well-known prior trademark and that, given the distinctiveness and reputation of its business and trademarks worldwide, it is inconceivable that the Respondent registered the disputed domain name without actual knowledge of the Complainant.

The Complainant considers that the fact that the disputed domain name is set up with active MX records for sending and receiving emails, probably for phishing purposes, is evidence of bad faith.

The Complainant argues that the information provided in the Whois, that are prima facie false, constitutes additional evidence of bad faith.

PARTIES CONTENTIONS

The Complainant, relying on the arguments summarised above, contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

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 Complainant underlines that this Complaint is filed also on behalf of other companies belonging to the same group.

Other panels have considered, in similar cases (see, for example, WIPO Case No. D2014-1433), that a company of a certain group may, either under a theory of implied license, or a more general notion based on corporate control and common sense, have standing to file a UDRP complaint. The Panel, taking into account the circumstances of the present case, as well as other cases involving the same companies (see, for example, CAC-UDRP-104719), considers that in the present case it is appropriate to take the same approach.

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: 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 Complainant has proven ownership of the registered trademark "LYONDELLBASELL", identified in section "Identification of rights" above.

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 disputed domain name differs from the Complainant's trademark "LYONDELLBASELL" only by the addition of the word "USA" (which can be considered as an abbreviation of the geographical term "United States of America"), and by the top-level domain ".COM".

It is a common view that where a trademark is the distinctive part of a domain name, the domain name is considered to be confusingly similar to the trademark (see, for example, WIPO case No. D2017-1266).

In the present case, the term "USA" has no impact on the distinctive part "LYONDELLBASELL". It is well established that, where the relevant trademark is recognizable within the domain name, the addition of other terms would not be sufficient to prevent a finding of confusing similarity (see, for example, CAC case No. 104755).

The Panel observes that it is well established that the top-level domain may generally be disregarded in the confusing similarity test (see, for example, WIPO case No. D2016-2547).

Therefore, the Panel considers that the disputed domain name is confusingly similar to the Complainant's trademark.

Accordingly, the Panel finds that the Complainant has satisfied 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 the disputed 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 with the Respondent whatsoever;
- the Respondent has never received any approval from the Complainant to use its trademarks, nor to register any domain name identical or confusingly similar to them;
- there is no evidence that the Respondent has acquired any rights in a trademark or trade name corresponding to the disputed domain name;
- the disputed domain name is set up with active MX records for sending and receiving emails, indicating a possible involvement in phishing activities.

In the absence of a Response, there is no indication in the present case that the Respondent is commonly known by the disputed domain name.

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 name.

The Respondent does not appear to make any legitimate non-commercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods or services. Indeed, the disputed domain name is set up with active MX records for sending and receiving emails, indicating a possible involvement in phishing activities.

Taking into account that the Respondent is not related in any way with the Complainant, that the Complainant has not approved any Respondent's use of the Complainant's trademarks nor any application for registration of any domain name similar to them, that there is no evidence that the Respondent has acquired any rights in a trademark corresponding to the disputed domain name and that the latter is used for sending and receiving emails, 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.

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 it has been used in bad faith.

The Panel observes that it is well established that the scenarios described in UDRP paragraph 4(b) are non-exclusive and merely illustrative. Therefore, even where a complainant is not able to demonstrate the literal application of one of the above-mentioned scenarios, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behaviour detrimental to the complainant's trademark would also satisfy the complainant's burden.

Indeed, taking into account the distinctiveness and reputation of the trademark "LYONDELLBASELL" (as recognized by other panels, see for example CAC Case No. 104848), which long predated the disputed domain name, it is inconceivable that the Respondent was not aware of the Complainant's rights in the trademark "LYONDELLBASELL" when registering the disputed domain name. The Respondent should have performed an internet search, aimed at excluding possible conflicts with third party rights. Therefore, the Respondent has failed to carry out such a search and has to be considered responsible for the resulting abusive registration under the concept of wilful blindness (see, for example, WIPO Case No. D2018-1182). Consequently, this circumstance is considered by

the Panel as evidence of bad faith.

Furthermore, other panels considered that the risk that a domain name is used for the sending and receiving of phishing emails may exist where a domain name that is confusingly similar to the Complainant’s well-known trademark has been created by the Respondent, and in the absence of the Respondent's explanation as regards the creation of MX records (see CAC Case No. 104862). The Panel agrees with this view and considers that, in the present circumstances, the existence of MX records for the disputed domain name supports a finding of bad faith.

Moreover, the Panel agrees that, in the light of the fact that the postal address provided by the Respondent does not exist, on the balance of probabilities the Respondent has provided false information. In line with the view of other panels in similar cases (see for example CAC Case No. 108914), this circumstance is considered by the Panel as evidence of bad faith.

The Panel observes that if the Respondent had legitimate purposes in registering and using the disputed domain name it would have filed a response in this proceeding.

The Panel, having taken into account the Respondent's knowledge of the "LYONDELLBASELL" trademark at the time of the disputed domain name’s registration, that no response to the complaint has been filed, that the disputed domain name might be used for phishing activities, and that the Respondent has provided false information, considers that the disputed domain name was registered and is being used in bad faith.

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. lyondellbasellusa.com: Transferred

PANELLISTS

Name	Michele Antonini
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DATE OF PANEL DECISION 2026-10-03

Publish the Decision