

ADMINISTRATIVE PANEL DECISION

The Chemours Company, LLC v. 王化德 (wang hua de)
Case No. D2022-2507

1. The Parties

The Complainant is The Chemours Company, LLC, United States of America (“U.S.”), represented by Bates & Bates LLC, U.S.

The Respondent is 王化德 (wang hua de), China.

2. The Domain Name and Registrar

The disputed domain name <mychemourbenefits.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2022. On July 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 12, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint in English on July 19, 2022.

On July 14, 2022, the Center transmitted another email communication to the Parties in English and Chinese regarding the language of the proceeding. On July 18, 2022, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in English and Chinese of the Complaint, and the proceedings commenced on July 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 15, 2022.



The Center appointed Francine Tan as the sole panelist in this matter on August 23, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, The Chemours Company, LLC, is a 2015 spin-off of the company E. I. du Pont de Nemours and Company. The Complainant is a multinational which offers a wide range of chemical products worldwide.

The Complainant is the owner of the CHEMOURS trade mark. It also has over 25 domain names which comprise the word "Chemours", including but not limited to <chemoursbenefits.com> and <chemours.com>. The former was registered on August 31, 2015, and the latter on March 17, 2014.

The Complainant's trade mark registrations include the following:

- U.S. Trade Mark Registration No. 5163745 for CHEMOURS, registered on March 21, 2017;
- U.S. Trade Mark Registration No. 5915042 for  **Chemours**, registered on November 19, 2019; and
- U.S. Trade Mark Registration No. 5897379 for  **Chemours**, registered on October 29, 2019.

The disputed domain name was registered on November 21, 2021, and resolved to a parking page displaying sponsored pay-per-click ("PPC") links. The links on the parking page were for "Employee Benefit", "Employee Health Insurance", and "Employee Health Insurance Benefit".

5. Parties' Contentions

A. Complainant

1. The disputed domain name is confusingly similar to the Complainant's CHEMOURS mark in which the Complainant has rights. The disputed domain name incorporates a confusingly similar version of the Complainant's CHEMOURS trade mark and the addition of common words "my" and "benefits". The inclusion of "my" and "benefits" in the disputed domain name does not distinguish the disputed domain name from the Complainant's CHEMOURS trade mark. Consumer confusion is likely as the disputed domain name is a typosquat of the Complainant's <chemoursbenefits.com> domain name. The inclusion of the generic word "my" at the beginning of the second-level portion of the disputed domain name renders the disputed domain name nearly visually identical to the Complainant's <chemoursbenefits.com> domain name. The deliberate misspelling of the Complainant's CHEMOURS trade mark (*i.e.* the omission of the letter "s" in the disputed domain name) is a blatant example of typosquatting.

2. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent registered the disputed domain name on November 21, 2021, which is more than six years after the Complainant registered its <chemoursbenefits.com> domain name and seven years after the Complainant registered its <chemours.com> domain name. Although the disputed domain name is inactive, the Respondent has no legitimate interests in the disputed domain name because it incorporates a nearly

identical, confusingly similar version of the Complainant's CHEMOURS trade mark, and there is no legitimate, non-infringing use that the Respondent can make of the disputed domain name. The Respondent is not affiliated with the Complainant and the Complainant did not authorize the Respondent to register and use the disputed domain name.

3. The disputed domain name was registered and is being used in bad faith and this is evidenced by the following:

- a. the disputed domain name consists of a nearly identical, confusingly similar version of the Complainant's well known CHEMOURS trade mark;
- b. the disputed domain name is a clear typosquat of the Complainant's <chemoursbenefits.com> domain name;
- c. the Respondent concealed his true identity;
- d. the Respondent is attempting to trade off the Complainant's goodwill established in the CHEMOURS trade mark; and
- e. the Respondent has a clear pattern and practice of typosquatting on domain names that incorporate confusingly similar versions of third-party trade marks. (Reference was made by the Complainant to *Caesars License Company, LLC v. Super Privacy Service LTD c/o Dynadot / Mike and 王化德 (Wang Hua De)*, WIPO Case No. [D2021-2831](#); *Vivendi v. 王化德 (wang hua de)*, WIPO Case No. [D2021-3925](#).)

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. The Complainant requested that the language of the proceeding be English for these reasons:

- (i) The disputed domain name is formed by English words, namely, "my" and "benefits".
- (ii) The English language is most widely used in international relations and is one of the working languages of the Center.
- (iii) To proceed in Chinese, the Complainant would have to retain specialized translation services at a cost which is very likely to be higher than the overall cost of the proceeding.
- (iv) The Respondent appears to be familiar with and fluent in English as, amongst other things, he selected the disputed domain name which incorporates English word elements and a confusingly similar version of the Complainant's CHEMOURS trade mark.

The Respondent did not comment on the language of the proceeding.

Paragraph 11(a) of the Rules provides that:

"Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding."

The intention of paragraph 11(a) is to allow panels a measure of flexibility and discretion to consider the entire circumstances of each case, to ensure fairness between the parties, while at the same time not undermining the mandate for the proceeding to be administered in an expeditious manner. The relevant points of consideration would include the parties' level of familiarity with the respective languages, the expenses to be incurred, the possibility of delay in the proceeding if translations are required, as well as the language of the domain name(s) in dispute and of the resolving websites.

Having considered the relevant factors and interests of the respective Parties, the Panel determines that it would be appropriate for English be the language of the proceeding. The Panel is persuaded that the Respondent is more likely than not familiar with and conversant in the English language, taking into account his selection of the disputed domain name which comprises a misspelt version of the Complainant's CHEMOURS trade mark and the addition of the English terms "my" and "benefits". The Respondent had, moreover, been notified by the Center, in both Chinese and English language, of the commencement of the proceeding, the language of the Registration Agreement, and due date for filing a Response. The Respondent therefore had ample opportunity to object or propose to submit his Response in Chinese, but he did not do so. In the absence of any objection and justification therefor by the Respondent, the Panel does not find it procedurally efficient to have the Complainant translate the Complaint into Chinese and determines that the language of the proceeding be English.

6.2 Substantive Issues

A. Identical or Confusingly Similar

The Complainant has established it has rights in the CHEMOURS trade mark. The disputed domain name incorporates a misspelt version of the Complainant's CHEMOURS mark and the addition of the terms "my" and "benefits", which do not prevent a finding of confusing similarity with the Complainant's trade mark.

The generic Top-Level domain ".com" is a technical requirement for domain name registrations and does not have any impact on the issue of the identity or confusing similarity between the disputed domain name and the Complainant's trade mark.

The Panel accordingly finds that the first element of paragraph 4(a) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The Panel finds that the Complainant has established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant's extensive use and registrations of the CHEMOURS trade marks predate the registration date of the disputed domain name. The Complainant did not license nor authorize the Respondent to use CHEMOURS as a trade mark or in a domain name. Neither is there any evidence that the Respondent is commonly known by the disputed domain name. The use of the disputed domain name which incorporates the Complainant's well-established trade mark for use in relation to a parking page with PPC links to "Employee Benefit", "Employee Health Insurance", and "Employee Health Insurance Benefit" does not constitute a legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraph 4(c)(iii) of the Policy. The subject matter reflected on the parking page correspond to and/or are related to the content on the Complainant's webpage at "www.chemoursbenefits.com". The Respondent's choice of the disputed domain name shows a clear intent to obtain an unfair commercial gain by misleading Internet users including those who may mistype the domain name when looking for the Complainant's webpage at "www.chemoursbenefits.com".

Having established a *prima facie* case, the burden of production shifts to the Respondent to show that he has rights or legitimate interests in the disputed domain name. The Respondent did not file a Response in the present case to rebut the Complainant's assertions and evidence.

In the circumstances, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name.

The Panel therefore finds that the second element of paragraph 4(a) of the Policy has been satisfied.

C. Registered and Used in Bad Faith

The Panel is persuaded in the circumstances of this case that the Respondent targeted the Complainant and its well-established CHEMOURS mark. There is no other reason for the Respondent to have registered the disputed domain name, being a typosquatted version of the trade mark CHEMOURS, with the addition of terms “my” and “benefits”, except for the sole purpose of riding off the reputation and goodwill in, and creating confusion with, the Complainant’s CHEMOURS trade marks. This is all the more apparent from the fact that the Complainant owns and operates the domain name <chemoursbenefits.com>.

“If [...] circumstances indicate that the respondent’s intent in registering the disputed domain name was in fact to profit in some fashion from or otherwise exploit the complainant’s trade mark, panels will find bad faith on the part of the respondent. While panel assessment remains fact-specific, generally speaking such circumstances, alone or together, include: (i) the respondent’s likely knowledge of the complainant’s rights, (ii) the distinctiveness of the complainant’s mark, (iii) a pattern of abusive registrations by the respondent, (iv) website content targeting the complainant’s trade mark, *e.g.*, through links to the complainant’s competitors, (v) threats to point or actually pointing the domain name to trade mark-abusive content, (vi) threats to “sell to the highest bidder” or otherwise transfer the domain name to a third party, (vii) failure of a respondent to present a credible evidence-backed rationale for registering the domain name, [...] Particularly where the domain name at issue is identical or confusingly similar to a highly distinctive or famous mark, panels have tended to view with a degree of skepticism a respondent defense that the domain name was merely registered for legitimate speculation (based for example on any claimed dictionary meaning) as opposed to targeting a specific brand owner.” (See section 3.1. of the [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition.](#))

The Panel finds that there has been bad faith registration and use. The facts and circumstances which support the finding include the following:

- (i) the high degree of distinctiveness and reputation of the Complainant’s CHEMOURS mark;
- (ii) the Respondent’s likely knowledge of the Complainant’s rights in the CHEMOURS mark;
- (iii) the PPC links on the parking page to which the disputed domain name resolve, which are related to content on the Complainant’s official “www.chemoursbenefits.com” webpage;
- (iv) the nature of the disputed domain name which wholly incorporates a typosquatted version of the CHEMOURS mark and the reference to “benefits”, the latter corresponding to the subject matter of the Complainant’s “www.chemoursbenefits.com” webpage;
- (v) the failure of the Respondent to submit a Response, or to provide any explanation for registering the disputed domain name; and
- (vi) the implausibility of any good faith use to which the disputed domain name may be put.

It can be surmised that the Respondent fully appreciated the value associated with the CHEMOURS trade mark, which is why he registered the disputed domain name which incorporates a misspelt version of the CHEMOURS mark and which is closely similar to the Complainant’s <chemoursbenefits.com> domain name. He hoped to draw Internet traffic through typographical errors made by Internet users who may be searching for the Complainant’s products or services. The Panel therefore concludes that the Respondent has registered and is using the disputed domain name in bad faith.

The Panel therefore finds that the third element of paragraph 4(a) of the Policy has been satisfied.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <mychemourbenefits.com> be transferred to the Complainant.

/Francine Tan/

Francine Tan

Sole Panelist

Date: September 5, 2022