

ADMINISTRATIVE PANEL DECISION

The Chemours Company, FC LLC v. Privacy service provided by Withheld for Privacy ehf / Carl Suttle
Case No. D2022-2505

1. The Parties

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

1.2 The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / Carl Suttle, Canada.

2. The Domain Names and Registrar

2.1 The disputed domain names <teflon1.com>, <teflon1.live>, <teflon1.shop> and <teflon1.xyz> (the “Domain Names”) are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2022. At that time the publicly available Whois details for each of the Domain Names recorded the “Registered Name” to be “Redacted for Privacy”. On July 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On July 11, 2022, the Registrar transmitted by email to the Center its verification response disclosing the registrant and contact information for the Domain Names. The Center sent an email communication to the Complainant on July 11, 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 amendment to the Complaint on July 15, 2022.

3.2 The Center verified that the Complaint together with the amendment to the 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”).

3.3 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 9, 2022.

3.4 The Center appointed Matthew S. Harris as the sole panelist in this matter on August 18, 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

4.1 The Complainant is a 2015 spin-off of E. I. du Pont de Nemours and Company (“DuPont”). It is a global chemical company that offers Teflon branded products throughout the world. Teflon is the brand name for Polytetrafluoroethylene, a synthetic fluoropolymer discovered by DuPont in 1938. Teflon coatings are used on products ranging from cookware, apparel, automotive, home and garden, eyeglass lenses to wires and cables.

4.2 The Complainant is the owner of a very large number of registered trade marks around the world that comprise or incorporate the term “Teflon”. They include:

(i) United States trade mark no 0418698 registered on January 8, 1946 for TEFLON as a typed drawing in class 17; and

(ii) Canadian trade mark no UCA27180 registered on September 10, 1946 for TEFLON as a word mark in classes 2 and 17.

4.3 The Complainant is also the owner of over 200 domain names that incorporate the term “Teflon”. They include <teflon.com> registered on June 13, 1997, which is used for a website that promotes the Complainant’s products.

4.4 The Domain Names were all registered on April 12, 2022. They have all since registration been used for a parking page that displays what appear to be a random selection of links. As at the date of this decision and when accessed by the Panel from the United Kingdom, each of the Domain Names continues to display a parking page with links.

5. Parties’ Contentions

A. Complainant

5.1 The Complainant describes its business and marks and the way that the Domain Names have been used since registration. The Complainant contends that each of the Domain Names are “typo-squats” of its well-known TEFLON trade mark. As such they are each claimed to be confusingly similar to the Complainant’s TEFLON trade marks.

5.2 On the issue of rights and legitimate interests the Complainant claims, *inter alia*, that the Domain Names falsely suggest some form of affiliation with the Complainant. This in turn is said to indicate that the Respondent has no right or legitimate interest in any of the Domain Names. Reference is also made in this respect to section 2.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

5.3 On the question of bad faith, the Complainant contends that this is a case of typosquatting of a famous mark and that this is evidence of use and registration in bad faith. A significant part of the Complaint also advances the contention that the Respondent has sought to hide his true identity and that this is another factor which evidences bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 There are no exceptional circumstances within paragraph 5(f) of the Rules so as to prevent this Panel from determining the dispute based upon the Complaint, notwithstanding the failure of any person to lodge a Response.

6.2 Notwithstanding that default, it remains incumbent on the Complainant to make out its case in all respects set out in paragraph 4(a) of the Policy. Namely, the Complainant must prove that:

(i) the Domain Names are identical or confusingly similar to a trade mark or service mark in which the Complainants have rights (paragraph 4(a)(i)); and

(ii) the Respondent has no rights or legitimate interests in respect of the Domain Names (paragraph 4(a)(ii)); and

(iii) the Domain Names have been registered and are being used in bad faith (paragraph 4(a)(iii)).

6.3 However, under paragraph 14(b) of the Rules, where a party does not comply with any provision of the Rules, the Panel shall "draw such inferences therefrom as it considers appropriate".

A. Identical or Confusingly Similar

6.4 The Complainant has satisfied the Panel that it has extensive registered trade mark rights in the term "Teflon". In order to demonstrate the first element of the Policy it is usually sufficient for a complainant to show that the relevant mark is "recognizable with the disputed domain name" (see section 1.7 of the [WIPO Overview 3.0](#)).

6.5 Each of the Domain Names can only be sensibly understood as the term "Teflon" combined with the number 1 and one of the ".com", ".live", ".shop" and ".xyz" generic Top-Level Domains. The Complainant's mark is, therefore, clearly recognisable in each of the Domain Names.

6.6 The Complainant has, therefore, satisfied the Panel that each of the Domain Names is confusing similar to its trade mark and has thereby made out the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests and Registered and Used in Bad Faith

6.7 It is usual for panels under the Policy to consider the issues of rights or legitimate interests, and registration and use in bad faith in turn. However, in this instance it is more convenient to consider those issues together (as to which see also section 2.15 of the WIP Overview 3.0).

6.8 The Panel accepts that the Domain Names were registered and have been held with knowledge of the Complainant and its business activities. The reason for this is the fame of TEFLON as a trade mark worldwide, and the fact that the only sensible reading of each of the Domain Names is as incorporating that term. In the absence of any argument or evidence to the contrary, the Panel also concluded that the Respondent is deliberately referencing the Complainant's mark in each of the Domain Names.

6.9 The Complainant contends that each of the Domain Names, combining the TEFLON mark with the number "1" and various Top-Level Domains ("TLDs"), is a case of "typosquatting". The Panel is sceptical that there would be many, if any, occasions where any of the Domain Names might be mistakenly typed into a browser. But it suspects that what the Complainant really means by the allegation of "typosquatting" is that

each of the Domain Names takes the form of the Complainant's mark with some minor inconsequential addition or change. In this respect, the Panel agrees with the Complainant.

6.10 Each of the Domain Names takes the form <[trade mark]1.[TLD]> where neither the inclusion of the number "1", nor any of the TLDs chosen, suggests that the registrant of the Domain Name is likely to be unconnected with the trade mark owner. As such the Panel accepts that each of the Domain Names inherently falsely impersonates the Complainant. There is no right or legitimate interest in a domain name that so impersonates a trade mark owner (see section 2.5.1 of the [WIPO Overview 3.0](#)). Further, the deliberate registration and holding of such a domain name that falsely impersonates a trade mark is likely to be registration and bad faith.

6.11 The Complainant has, therefore, to the satisfaction of the Panel made out the requirements of paragraphs 4(a)(ii) and 4(a)(iii) of the Policy.

6.12 In coming to these conclusions, the Panel is unpersuaded by the Complainant's assertion that the Respondent has disguised his or its identity. These allegations appear to be based solely on the fact that at the time the Complainant was originally filed the Whois details for each of the Domain Names recorded the "Registered Name" to be "Redacted for Privacy". However, there is nothing before the Panel which suggests that this is anything other than the Registrar's application of the ICANN Temporary Specification for gTLD Registration Data. For a further explanation of how the ICANN Temporary Specification for gTLD Registration Data operates and what led to its adoption, see, for example, this Panel's decision in *Nishimura & Asahi v. Super Privacy Service LTD c/o Dynadot*, WIPO Case No. [D2019-2079](#). Further, when the underlying registrant for each of the Domain Names were disclosed by the Registrar in response to the Center's verification request, the Complainant did not seek to amend the Complaint (which it could have done) to argue or provide evidence to the effect that these disclosed details were false or misleading. Nevertheless, for the reasons set out above, the Complainant has succeeded in demonstrating the requirements of the Policy without needing to show any deliberate concealment on the part of the Respondent.

7. Decision

7.1 For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Names <teflon1.com>, <teflon1.live>, <teflon1.shop> and <teflon1.xyz> be transferred to the Complainant.

/Matthew S. Harris/

Matthew S. Harris

Sole Panelist

Date: August 20, 2022