

ADMINISTRATIVE PANEL DECISION

The Chemours Company v. weev seez

Case No. D2023-4770

1. The Parties

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

Respondent is weev seez, United States.

2. The Domain Name and Registrar

The disputed domain name <chemoursus.com> is registered with NameCheap, Inc. (“Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (“Center”) on November 16, 2023. On November 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 17, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (Redacted for Privacy/Privacy service provided by Withheld for Privacy ehf). The Center sent an email communication to Complainant on November 20, 2023, providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant submitted an amendment to the Complaint on November 20, 2023. Accordingly, the Panel determines that “weev seez” is the appropriate Respondent.

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 (“Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on November 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 19, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 4, 2024.

The Center appointed Debra J. Stanek as the sole panelist in this matter on January 11, 2024. 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

Complainant is a chemical company. It uses the mark CHEMOURS and owns a United States federal trademark registration for the mark, the details of which have been provided¹ and from which a copy of the certificate is available:

- CHEMOURS (Reg. No. 5163745), registered March 21, 2017, for, among other things, an array of chemicals, chemical preparations, agents, and fluids.

Complainant has also provided a schedule of trademark registrations that it owns in other countries along with domain names that it owns, consisting of the term “chemours” and a country code-level domain.

The disputed domain name was created on September 20, 2023. Complainant claimed that, originally, the disputed domain name appeared to redirect visitors to Complainant’s website at the <chemours.com> domain name, but that by the time the Complaint was filed, it was parked. At the time of this Decision, it appears to once again redirect visitors to Complainant’s website.

According to the Complaint, Respondent has combined the name of one of Complainant’s employees in an email address using the disputed domain name and used it to correspond with a third party – ostensibly to purchase laptop computers for Complainant. The third party forwarded the correspondence to Complainant, which has, in turn, included it with the Complaint.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

- The disputed domain name is nearly identical to Complainant’s CHEMOURS mark; the only difference is the addition of the letters “us” at the end, which is typosquatting.
- Respondent has no rights or legitimate interests in respect of the disputed domain name:
- The disputed domain name was created nine years after Complainant created its <chemours.com> domain name.
- Respondent is not known by the “chemours” name and is neither affiliated with nor has been authorized by Complainant to use the CHEMOURS mark.
- Respondent is not using the disputed domain name with an active website (instead, it is parked) and has used it to create an email address containing the name of one of Complainant’s employees in an effort to get hundreds of laptops from a third party.
- Respondent registered and is using the domain name in bad faith.
- Complainant’s mark is well-known.
- Complainant has hidden its identity through a privacy service.
- Complainant is passively holding the disputed domain name and is using it in an email address to impersonate Complainant to procure computers from a third-party.

¹ Complainants did not provide a copy of the certificate of registration. See Rules, paragraph 3(b)(xiv). However, a copy is publicly-available through the United States Patent and Trademark Office’s online database. See [WIPO Overview 3.0](#), section 4.8 (“a panel may undertake limited factual research into matters of public record ... [such as] accessing trademark registration databases.”).

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

As noted above, the Panel determines that the appropriate Respondent is weev seez.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the record (including the publicly available United States trademark registration database), Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Although the addition of "us" following the CHEMOURS mark could bear on the assessment of the second and third elements, whereas here, this could be understood as reference to the United States, the Panel finds the addition does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of a respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name. Complainant has provided credible evidence that Respondent has used the domain name to impersonate Complainant's employee apparently in an effort to obtain electronics fraudulently. The use of a domain name for such activity does not confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Respondent has not rebutted 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.

Based on the record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

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, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Complainant's evidence supports the registration and use of the disputed domain name as part of a scheme to defraud. The Panel finds that Respondent actually knew of Complainant's CHEMOURS mark and adopted and used it intending recipients believe that its communications were from Complainant.

In the present case, having reviewed the record, the Panel finds that use of the disputed domain name to hold Respondent out as a representative of Complainant constitutes registration and use in bad faith under the Policy. [WIPO Overview 3.0](#), section 3.4.

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

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 <chemoursus.com> be transferred to Complainant.

/Debra J. Stanek/

Debra J. Stanek

Sole Panelist

Date: January 25, 2024