

ADMINISTRATIVE PANEL DECISION

Wolfspeed, Inc. v. 杨智强 (Zhi Qiang Yang)

Case No. D2023-5042

1. The Parties

The Complainant is Wolfspeed, Inc., United States of America (“United States”), represented by SafeNames Ltd., United Kingdom.

The Respondent is 杨智强 (Zhi Qiang Yang), China.

2. The Domain Name and Registrar

The disputed domain name <wolspeed.com> (the “Disputed Domain Name”) is registered with Cloud Yuqu LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on December 4, 2023. On December 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 6, 2023, 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 (N/A) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 6, 2023, 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 December 11, 2023.

On December 6, 2023, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the Disputed Domain Name is Chinese. On December 11, 2023, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 December 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 4, 2024.

The Center appointed Kar Liang Soh as the sole panelist in this matter on January 26, 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

The Complainant is an American-based company founded in 1987. The Complainant engages in the marketing and manufacturing of lighting-class LED's, lighting products and products for power and radio frequency application. The Complainant is a global leader in silicon carbide technology and production. The Complainant generated a net annual revenue of USD 903.9 million in 2020, and is listed on the New York Stock Exchange.

The Complainant has been using the trademark WOLFSPEED since 2015 in various forms, including incorporating it into a logo. The Complainant holds several registered trademarks for WOLFSPEED, including:

Jurisdiction	Registration No.	Registration Date
European Union	014730683	April 15, 2016
Australia	1730375	October 26, 2015
United States	5530599	July 31, 2018
Canada	TMA1044420	July 25, 2019

The Complainant has been operating a website under the domain name <wolfspeed.com> since 2015 to advertise its services and to provide information to investors. Further, the website uses the WOLFSPEED mark in relation to the products and services offered by the Complainant. The Complainant has also registered multiple other domain names which feature the WOLFSPEED brand name with various generic Top-Level Domain ("gTLD") and country code Top-Level Domain ("ccTLD") extensions. These other domain names include <wolfspeed.co>, <wolfspeed.cn>, <wolfspeed.org> and <wolfspeed.us>.

In addition, the Complainant has established a social media presence under the WOLFSPEED trademark on Facebook, X (formerly Twitter) and LinkedIn.

The Respondent is an individual based in China. Although very little information about the Respondent beyond the Whois information of the Disputed Domain Name is available, the Respondent's name has appeared in at least 10 previous domain name disputes (e.g. *Eurazeo v. 杨智强 (Zhi Qiang Yang)*, WIPO Case No. [D2023-2506](#); and *Sanofi and Genzyme Corporation v. 杨智强 (Zhi Qiang Yang)*, WIPO Case No. [D2023-2222](#)).

The Disputed Domain Name was registered on April 29, 2023. On or around December 4, 2023, the Disputed Domain Name resolved to a parking website featuring links to third-party websites promoting, among others, silicon carbide products.

The Respondent did not reply to the Complainant's cease and desist letter sent to the Respondent via the Registrar dated September 7, 2023.

5. Parties' Contentions

A. Complainant

The Complainant contends that:

- a) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The removal of one letter when comparing the trademark and the Disputed Domain Name is not sufficient to prevent a finding of confusing similarity.
- b) the Respondent lacks a right or legitimate interest in the Disputed Domain Name. The Respondent does not have any registered trademark rights or unregistered trademark rights for the term "Wolfspeed" or "Wolspeed". The Respondent did not obtain a license from the Complainant to use a domain name featuring the WOLFSPEED trademark. The Respondent has not used or demonstrated preparations to use the Disputed Domain Name in connection with a *bona fide* offering of goods or services. The Respondent is not known by the term "Wolfspeed". The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name.
- c) the Disputed Domain Name was registered and is being used in bad faith. The Respondent has clearly registered the Disputed Domain Name to target the Complainant's brand intentionally. The Disputed Domain Name consists of an intentional misspelling of the Complainant's trademark, and this typosquatting behaviour indicates that the Disputed Domain Name has undoubtedly been registered in bad faith. The Respondent has failed to respond to the Complainant's cease and desist letter. The Respondent is using the value and goodwill of the Complainant's WOLFSPEED brand to attract revenue through the pay-per-click links hosted on the Disputed Domain Name. The Respondent has engaged in a pattern of registering trademark-abusive domain names to prevent trademark holders from reflecting their mark in a corresponding domain name. The Respondent is likely using aliases to hide its real identity and circumvent legal proceedings.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement of the Disputed Domain Name is Chinese. Accordingly, the default language of the proceeding should be Chinese. However, under paragraph 11(a) of the Rules, the Panel is empowered to determine a different language of proceeding having regard to the circumstances. Having done so pursuant to the Complainant's request, the Panel determines that English shall be the language of the proceeding. In making this determination, the Panel has considered the following factors:

- a) although the Center has notified the Respondent of the language of the proceeding and commencement of the proceeding in both Chinese and English, the Respondent has chosen not to comment on the language of the proceeding nor to participate in the proceeding by not filing a Response;
- b) the Disputed Domain Name resolves to a website with content wholly in English, demonstrating the Respondent's likely ability to understand the English language;
- c) the Complainant and its representatives are not familiar with the Chinese language. The Complainant has confirmed that conducting the proceeding in Chinese will result in considerable costs and time to translate the Complaint;

- d) the Complaint has already been submitted in English and no obvious procedural benefit would arise should the Panel insist on Chinese being the language of the proceeding. On the contrary, doing so at such an advanced stage of the proceeding would in all likelihood delay the proceeding unnecessarily; and
- e) the Panel is bilingual in English and Chinese, and is well-equipped to deal with submissions by the Parties in either language.

6.2 Discussion on Three Elements

The Complainant must establish all three limbs of paragraph 4(a) of the Policy on the facts in order to succeed in this proceeding:

- a) the Disputed Domain Name is identical or confusingly similar to a trademark in which the Complainant has rights;
- b) the Respondent has no rights or legitimate interests in the Disputed Domain Name; and
- c) the Disputed Domain Name was registered and used in bad faith.

A. Identical or Confusingly Similar

The Panel accepts that the Complainant has rights in the WOLFSPEED trademark by virtue of trademark registration.

The Disputed Domain Name omits the letter “f” in the Complainant’s WOLFSPEED trademark. According to section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), UDRP panels have established that domain names, which consist of a common, obvious or intentional misspelling of a trademark, are confusingly similar to the trademark for purposes of the first element of paragraph 4(a) of the Policy. The present case does not present any unusual circumstances which require the Panel to depart from this guideline. The Panel is of the view that the Disputed Domain Name is an obvious misspelling of the WOLFSPEED trademark. The omission of a single letter from the Complainant’s trademark does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant’s trademark.

As such, the Panel finds that the Disputed Domain Name is confusingly similar to the WOLFSPEED trademark. The first limb of paragraph 4(a) of the Policy is thus established.

B. Rights or Legitimate Interests

There is no evidence before the Panel to suggest that the Respondent is commonly known by the Disputed Domain Name. There is also no evidence to suggest that the Respondent has registered any trademarks or holds unregistered rights to the term “Wolfspeed” or “Wolspeed”. Further, there is no evidence that the Disputed Domain Name is being used in a noncommercial or fair manner. On the contrary, the Disputed Domain Name resolves to a website that features links to third-party websites promoting the sale of silicon carbide and semiconductor-related products, which are products that are strongly associated with the Complainant. The Complainant has also confirmed that it did not license the Respondent to use a domain name that features the WOLFSPEED trademark. In the circumstances, the Panel is satisfied that the facts present a prima facie case that the Respondent does not have rights or legitimate interests in the Disputed Domain Name.

The Respondent did not file a response to demonstrate any rights or legitimate interests in respect of the Disputed Domain Name, and has thus failed to rebut the prima facie case. Therefore, the Complainant has successfully established the second limb of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that certain circumstances, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith. In particular, paragraph 4(b)(iv) of the Policy states:

“by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] website 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 Disputed Domain Name was registered seven years after the registration of the Complainant’s WOLFSPEED trademark. The Panel is satisfied from the evidence that the WOLFSPEED brand has accrued substantial goodwill and is recognised as a leading player in the semiconductor market. The Disputed Domain Name resolves to a website that contains links to third-party websites promoting products in the semiconductor market. The Panel finds the circumstances highly suggestive that the Respondent had known of the Complainant’s brand and intentionally targeted the Complainant’s trademark for typosquatting purposes to take advantage of the Complainant’s goodwill in this market.

The Respondent’s intention for commercial gain is clear, given that the Disputed Domain Name resolves to a website that promotes the sale of semiconductor-related products through referrals to third-party websites. The Respondent must have selected the Disputed Domain Name to attract Internet users to the website resolved to by creating a likelihood of confusion to the Complainant’s trademarks, for the purpose of commercial gain. Accordingly, the Panel is convinced that the Disputed Domain Name was indeed registered and is being used in bad faith in accordance with the circumstances outlined in paragraph 4(b)(iv) of the Policy.

In addition, the Complainant alleged that the Respondent has engaged in a pattern of registering trademark-abusive domain names to prevent trademark holders from reflecting their mark in a corresponding domain name, citing the Respondent’s involvement in at least 10 previous domain name disputes. The Complainant has even gone so far as to allege that the Respondent is likely using aliases to hide its real identity and circumvent legal proceedings. An ordinary respondent faced with such severe allegations would have responded strongly if these allegations were not true. The Respondent’s lack of response to the Complaint is highly suggestive of the Respondent’s inability to answer positively to these serious allegations, reinforcing the Panel’s decision in the present case.

In light of the aforementioned circumstances, the Panel is of the opinion that the Disputed Domain Name was registered and is being used in bad faith. Therefore, the Complainant has successfully established the third limb of paragraph 4(a) 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 <wolspeed.com> be transferred to the Complainant.

/Kar Liang Soh/

Kar Liang Soh

Sole Panelist

Date: February 13, 2024