

ADMINISTRATIVE PANEL DECISION

The Chemours Company v. Bill Puryear
Case No. D2023-5075

1. The Parties

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

The Respondent is Bill Puryear, United States.

2. The Domain Name and Registrar

The disputed domain name <chemourscorp.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 5, 2023. On December 6, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 11, 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 amendment to the Complaint on December 11, 2023.

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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 23, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 25, 2024.

The Center appointed Lynda M. Braun as the sole panelist in this matter on January 30, 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

Headquartered in the United States, the Complainant is a Delaware corporation that is a 2015 spin-off of E.I. du Pont de Nemours and Company. The Complainant is a global chemical company that offers a wide range of chemical products worldwide. The Complainant owns several trademark registrations for its CHEMOURS trademarks with the United States Patent and Trademark Office (“USPTO”), including, but not limited to: CHEMOURS, United States Trademark Registration No. 5163745, registered on March 21, 2017, in international classes 1, 2, 3, 4, 5, 9, 12, 16, 17, 19, 21, 22, 23, 24, 25, 37, 40, 42, and 44. In addition, the Complainant owns registered CHEMOURS trademarks in hundreds of jurisdictions worldwide in connection with its chemical products and services. The CHEMOURS trademark is an invented or coined term: “CHEM” is a reference to chemistry and “OURS” is a reference to the “ours” portion of the name E.I. du Pont de Nemours.

The aforementioned trademarks will hereinafter collectively be referred to as the “CHEMOURS Mark”.

The Complainant owns over 25 domain names, including, but not limited to, <chemours.com>, that resolves to its official website at “www.chemours.com”, registered on March 17, 2014, as well as numerous country code domain names.

The Disputed Domain Name was registered on November 30, 2023, years after the Complainant’s registration of its numerous trademarks in the United States and jurisdictions worldwide. According to the Complaint, the Disputed Domain Name resolved to the Complainant’s official website at “www.chemours.com”. As of the writing of this Decision, however, the Disputed Domain Name resolves to an inactive error landing page with no substantive content that states, “This site can’t be reached. chemourscorp.com’s server IP address could not be found”.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name. Notably, the Complainant contends that:

- the Disputed Domain Name is confusingly similar to the Complainant’s trademark because the Disputed Domain Name contains the CHEMOURS Mark in its entirety, followed by the additional term “comp”, and then followed by the generic Top-Level Domain (“gTLD”) “.com”. Such additions do not prevent a finding of confusing similarity;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the Complainant has not authorized the Respondent to register a domain name containing the CHEMOURS Mark, the Respondent was not making a *bona fide* offering of goods or services through the Disputed Domain Name, and the Respondent has never been commonly known by the CHEMOURS Mark or any similar name; and
- the Disputed Domain Name was registered and is being used in bad faith because, among other things, the Disputed Domain Name initially resolved to the Complainant’s official website, and subsequently resolved to an inactive error landing page.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (i) the Disputed 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 Disputed Domain Name; and
- (iii) the Disputed Domain Name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the CHEMOURS Mark as explained below.

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 a 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.

The Complainant has established rights in the CHEMOURS Mark based on its many years of use since 1971, as well as its registered trademarks for the CHEMOURS Mark in the United States and other jurisdictions worldwide. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the [WIPO Overview 3.0](#), "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this *prima facie* satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". Thus, the Panel finds that the Complainant satisfied the threshold requirement of having rights in the CHEMOURS Mark.

The Disputed Domain Name consists of the CHEMOURS Mark in its entirety, followed by the term "comp", and then followed by the gTLD ".com". Where the trademark is recognizable in the Disputed Domain Name, the addition of a term such as "comp" does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8 ("where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element").

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. Thus, it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel concludes that the Disputed Domain Name is confusingly similar to the Complainant's CHEMOURS Mark.

Based on the available record, the Panel finds that 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 the Respondent may demonstrate rights or legitimate interests in a disputed domain name. Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that 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 the 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 that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Respondent has not rebutted the 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. The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the CHEMOURS Mark nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a *bona fide* offering of goods or services. See Policy, paragraph 4(c). The Complainant claims, and the Respondent has not refuted, that the Disputed Domain Name initially directed users to the Complainant’s official website, and such use likely confused consumers as to the source of the goods and services being offered. Such use would not support a claim to rights or legitimate interests.

Further, the Panel concludes that nothing on the record before it would support a finding that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name. Rather, the Panel finds that the Respondent is using the Disputed Domain Name for commercial gain with the intent to mislead by deceiving the Complainant’s customers into incorrectly believing that they arrived at the Complainant’s website. Such use cannot conceivably constitute a *bona fide* offering of a product/service within the meaning of paragraph 4(c)(i) of the Policy or a noncommercial or fair use of the Disputed Domain Name.

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

C. Registered and Used in Bad Faith

The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent’s bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(a)(iii) of the Policy.

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name 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.

In the present case, the Panel notes that the CHEMOURS Mark is contained in its entirety in the Disputed Domain Name. The use of a domain name to intentionally attempt to attract Internet users to a respondent’s website or online location by creating a likelihood of confusion with a complainant’s mark as to the source, sponsorship, affiliation or endorsement of the registrant’s website or online location for commercial gain demonstrates registration and use in bad faith. Here, the Respondent’s registration and use of the Disputed

Domain Name indicates that such registration and use had been done for the specific purpose of trading upon and targeting the name and reputation of the Complainant. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. [D2000-0847](#) (“[t]he only plausible explanation for Respondent’s actions appears to be an intentional effort to trade upon the fame of Complainant’s name and mark for commercial gain”).

Moreover, the Panel concludes that the Respondent’s registration of the Disputed Domain Name was an attempt to disrupt the Complainant’s business by diverting Internet users who were searching for the Complainant’s goods from its official website to the Respondent’s website, as well as to prevent the Complainant from registering the Disputed Domain Name. See *Banco Bradesco S.A. v. Fernando Camacho Bohm*, WIPO Case No. [D2010-1552](#). The Respondent’s use of the Disputed Domain Name was also highly likely to confuse Internet users into incorrectly believing that the Respondent was somehow authorized by or affiliated with the Complainant, and to disrupt the Complainant’s business by using the Complainant’s own website to offer chemical goods and services that would be purchased from the Respondent, while appearing to be purchased from the Complainant.

The Panel also finds that the Respondent knew that the Complainant had rights in the CHEMOURS Mark when registering the Disputed Domain Name, emblematic of bad faith registration and use. It strains credulity to believe that the Respondent did not know of the Complainant or the CHEMOURS Mark when registering the Disputed Domain Name. See *Myer Stores Limited v. Mr. David John Singh*, WIPO Case No. [D2001-0763](#) (“a finding of bad faith may be made where the respondent ‘knew or should have known’ of the registration and/or use of the trademark prior to registering the domain name”). This is particularly true since the Complainant’s CHEMOURS Mark is an invented or coined term. Thus, the Panel finds that in the present case, the Respondent had the Complainant’s CHEMOURS Mark in mind when registering and using the Disputed Domain Name.

Moreover, other panels have found, and this Panel agrees, that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds that the current use of the Disputed Domain Name to resolve to an inactive error landing page does not prevent a finding of bad faith in the circumstances of this proceeding.

Finally, the Panel finds that the Respondent registered and is using the Disputed Domain Name in bad faith as the Respondent registered a confusingly similar domain and redirected the domain name to the Complainant’s official website. See *Kimley-Horn and Associates, Inc. v. Contact Privacy Inc., Customer 1246614033 / Larry William*, WIPO Case No. [D2020-0661](#). Panels have held that the use of a disputed domain name for illegal activity, such as phishing attacks or impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#); section 2.13.1; see also *The Chemours Company v. Pham Trung, chemsours*, WIPO Case No. [D2022-4986](#) (the use of the Disputed Domain Name for fraud can never confer rights or legitimate interests on the Respondent).

In sum, the Panel concludes that the circumstances of this case, including the claim that the Disputed Domain Name had been used to impersonate the Complainant, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, and the implausibility of any good faith use to which the Disputed Domain Name had been put, support an inference of bad faith.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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 <chemourscomp.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: February 12, 2024