

ADMINISTRATIVE PANEL DECISION

Wolfspeed, Inc. v. Registration Private, CATCHDADDY LLC

Case No. D2024-1189

1. The Parties

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

Respondent is Registration Private, CATCHDADDY LLC, United States.

2. The Domain Names and Registrar

The disputed domain names <wolfspeedvision.com> and <wolfspeedcopilot.com> are registered with Dynodot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 19, 2024. On March 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. The same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on March 21, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint the same day.

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 Respondent of the Complaint, and the proceedings commenced on March 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 23, 2024.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on April 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

Complainant is a company based in the United States. For years prior to the registration of the disputed domain name, Complainant has offered various semiconductor and technology-related goods and services under the mark WOLFSPEED. Complainant has several registered trademarks for its WOLFSPEED mark globally. These include, among others, United States Registration No. 5,530,599 (registered July 31, 2018).

Complainant is also the owner of the domain name registration for <wolfspeed.com>, which Complainant uses to connect with potential consumers online.

The disputed domain names were registered in July of 2023. The disputed domain names have been listed as being offered for sale for USD 4,995. Respondent has no affiliation with Complainant, nor any license to use its marks.

5. Parties' Contentions

A. Complainant

Complainant contends that (i) the disputed domain names are identical or confusingly similar to Complainant's trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain names; and (iii) Respondent registered and is using the disputed domain names in bad faith.

Specifically, Complainant contends that its WOLFSPEED mark is distinctive and well-known globally, generating revenue of over USD 900 million in 2020, and garnering awards for the goods and services offered by Complainant under its WOLFSPEED mark. Complainant contends that Respondent has incorporated Complainant's well-known WOLFSPEED mark into the disputed domain names and merely added dictionary terms.

Complainant contends that Respondent lacks rights or legitimate interests in the disputed domain names. Rather, Complainant contends that Respondent has acted in bad faith in registering and using the disputed domain names, when Respondent clearly knew of Complainant's rights, and that Respondent has further attempted to profit by obtaining the registrations for the purpose of offering the disputed domain names for sale in excess of reasonable costs.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

This Panel must first determine whether the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that both of the disputed domain names directly incorporate Complainant's registered WOLFSPEED mark, with the addition of dictionary terms.

Numerous UDRP panels have agreed that supplementing or modifying a trademark with dictionary terms or letters, if the mark is recognizable within the disputed domain name, does not prevent a finding of confusing similarity for purposes of satisfying this first prong of paragraph 4(a)(i) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. The Panel therefore finds that the disputed domain names are confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Policy provides some guidance to respondents on how to demonstrate rights or legitimate interests in the domain name at issue in a UDRP dispute. For example, paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name "in connection with a bona fide offering of goods or services;" (ii) demonstration that Respondent has been "commonly known by the domain name;" or (iii) "legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

Respondent did not submit a reply to Complainant's contentions, and Respondent did not allege or otherwise provide any information that would support a finding that Respondent has rights or legitimate interests in the disputed domain name. Accordingly, the Panel finds that Complainant has made a prima facie showing of Respondent's lack of rights or legitimate interests in the disputed domain names, which Respondent has not rebutted.

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith.

As noted above, Respondent has offered to sell each of the disputed domain names for USD 4,995. The Panel finds sufficient evidence that Respondent registered or acquired the domain names primarily for the purpose of selling for valuable consideration likely in excess of documented out-of-pocket costs, in a showing of bad faith as contemplated by paragraph 4(b)(i) of the Policy.

Therefore, the Panel finds that Respondent registered and used the disputed domain names in bad faith for purposes of paragraph 4(a)(iii) of the Policy.

7. Decision

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

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Dated: May 3, 2024