

## **ADMINISTRATIVE PANEL DECISION**

DuPont Safety & Construction, Inc. v. china kevlar, ChinaKevlar, and Richard Chan, Star Vanq Networking  
Case No. D2024-4185

### **1. The Parties**

The Complainant is DuPont Safety & Construction, Inc., United States of America (“United States”), represented by Ballard Spahr, LLP, United States.

The Respondents are china kevlar, ChinaKevlar, and Richard Chan, Star Vanq Networking, China.

### **2. The Domain Names and Registrars**

The disputed domain names <chinakevlar.com> and <sinokevlar.com> are respectively registered with DreamHost, LLC and Hostinger, UAB (the “Registrars”).

### **3. Procedural History**

The Complaint was originally filed against the disputed domain name <chinakevlar.com> with the WIPO Arbitration and Mediation Center (the “Center”) on October 10, 2024. On October 19, 2024, the Complainant submitted an amended Complaint adding one disputed domain name <sinokevlar.com>. On October 11 and October 23, 2024, the Center transmitted by emails to the Registrars requests for registrar verification in connection with the disputed domain names. On October 11, 2024, and October 24, 2024, the Registrars respectively transmitted by emails to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy / Proxy Protection LLC / Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 25, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on October 28, 2024.

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 Respondents of the Complaint, and the proceedings commenced on November 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 21, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2024.

The Center appointed Knud Wallberg as the sole panelist in this matter on December 5, 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**

For over 50 years, the Complainant has manufactured and marketed synthetic fibers for textile use for industrial customers worldwide under the KEVLAR® mark. The Complainant was established in markets and sells various products under the KEVLAR brand on a worldwide basis.

The Complainant holds trademark registrations for KEVLAR in multiple jurisdictions, including the following:

- United States federal trademark registrations numbers 1,431,185 registered on March 3, 1987, and 2,121,970 registered on December 16, 1997, for a number of different goods in different International Classes;
- Chinese trademark registrations numbers 160521 registered on July 30, 1982, 9383615 registered on December 28, 2013, and 1370770 registered on March 7, 2000, for a number of different goods in different International Classes.

The disputed domain name <chinakevlar.com> was registered on July 30, 2024, and the disputed domain name <sinokevlar.com> was registered on September 20, 2024.

At the time of the filing of this Complaint both the disputed domain names resolved to identical active websites that included both text and photos from the part of the Complainant’s website that promotes the KEVLAR brand.

#### **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 names.

The Complainant contends that the disputed domain names are confusingly similar to its KEVLAR mark. The disputed domain names thus contain the mark in its entirety with the addition of the generic and descriptive terms “china” and “sino” respectively. The Complainant further contends that the Respondents have no rights or legitimate interests in the disputed domain names and that the Respondents registered and are using the disputed domain names in bad faith. Both disputed domain names contain the Complainant’s well-known KEVLAR mark, and it is inconceivable that the Respondent was unaware of the Complainant’s rights in the KEVLAR mark when he registered the disputed domain names, just as the Respondent is attracting Internet users to the disputed domain names by impersonating the Complainant and thus creating a likelihood of confusion with the Complainant and the Complainant’s KEVLAR mark.

## **B. Respondent**

The Respondents did not reply to the Complainant's contentions

## **6. Discussion and Findings**

### **Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules since the Complainant thus believes that two disputed domain names are under common control, inter alia since they resolved to an identical website.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that the Complainant has filed evidence that shows that the content of the two websites is identical. The Complainant also furnished evidence of two emails sent by the Respondent Richard Chan from similarly structured email addresses associated with each of the disputed domain names, containing similar content and references to the Complainant. These facts are clear indications that the disputed domain names are subject to common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

### **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 the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The 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 Panel finds that the entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "china" and "sino" respectively, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, 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 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 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

Moreover, the Panel finds that the composition of the disputed domain names, further supported by the content therein, effectively impersonate or suggest sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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

## **C. Registered and Used in Bad Faith**

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.

Given the circumstances of the case, including the evidence on record of the use of the Complainant’s trademark KEVLAR, and the distinctive nature of this mark, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant’s mark. Moreover, evidenced email communications from the Respondent show clear knowledge of the Complainant, as well as an explicit intention to provide directly competing products to the Complainant’s products.

The Panel therefore finds that the disputed domain names were registered in bad faith.

The disputed domain names have both been used to host websites, which clearly gave the Internet users the impression that the website was a website of the Complainant or a website that was somehow connected to the Complainant (including use of a logo that mimics the form of one of the Complainant’s DUPONT logos), which was not the case. The Panel therefore finds that there can be no doubt that the disputed domain names have been used in bad faith to intentionally attempt “to attract, for commercial gain, Internet users to the Respondent’s website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website”. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

Noting the above; that the disputed domain names incorporate the Complainant's well-known trademark KEVLAR; that the Respondent has not replied to the Complainant's contentions; and that there appears to be no conceivable good faith use that could be made by the Respondent of the disputed domain names and considering all the facts and evidence of the case, the Panel finds that the requirements of paragraph 4(a)(iii) of the Policy are also fulfilled in this case.

The Panel finds that the 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 names <chinakevlar.com> and <sinokevlar.com> be transferred to the Complainant.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: December 18, 2024