

## **ADMINISTRATIVE PANEL DECISION**

CoorsTek, Inc. v. Vankatesh Panjagala, CARING HANDS INC  
Case No. D2024-4232

### **1. The Parties**

The Complainant is CoorsTek, Inc., United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

The Respondent is Vankatesh Panjagala, CARING HANDS INC, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <coorstekinc.online> is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 14, 2024. On October 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 16, 2024, 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 (“Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)”) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 16, 2024, 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 on October 22, 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 Respondent of the Complaint, and the proceedings commenced on October 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 21, 2024.

The Center appointed Dennis A. Foster as the sole panelist in this matter on November 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 a materials science company based in Colorado, United States with manufacturing and research facilities in the United States and abroad. The Complainant is affiliated with the well-known Coors brewing company and has been operating for around a century.

In conjunction with its business, the Complainant owns COORSTEK trademarks registered all over the world for engineered metals and ceramics (International Class 01) such as:

United States registration no. 2962220, registration date June 14, 2005;

European Union Trade Mark no. 003470648, registration date May 25, 2005;

United Kingdom trademark no. UK00903470648, registration date May 25, 2005.

The Complainant's main business website is at "www.coorstek.com".

The Respondent is an individual purportedly located in the United States who registered the disputed domain name on August 18, 2024: it does not resolve to a website, but is MX ("mail exchange") enabled for emails.

The Complainant sent the Respondent a Cease and Desist letter on September 16, 2024, but the Respondent did not respond.

#### **5. Parties' Contentions**

##### **A. Complainant**

- The disputed domain name is confusingly similar to the Complainant's COORSTEK trademark.
- The Respondent registered the disputed domain name without the Complainant's authorization or consent.
- The Respondent has not used and is not preparing to use the disputed domain name in a bona fide offering of goods and services.
- The Respondent is not commonly known by the disputed domain name.
- The Respondent is not making a noncommercial or fair use of the disputed domain name.
- The Respondent does not have rights or legitimate interests in the disputed domain name.
- The Respondent's passive holding of a disputed domain name that resolves to a parked web page supports a finding of bad faith.
- The Respondent had actual knowledge of the Complainant's strong trademark when it registered the disputed domain name.

- The mail exchange records at the disputed domain name may be evidence of bad faith use of the disputed domain name such as for fraud or phishing.
- The Respondent's failure to respond to the Complainant's Cease and Desist letter could also be evidence of bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following in order to obtain a transfer or cancellation of a disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, a Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

### **A. Identical or Confusingly Similar**

The Complainant owns United States, European Union, and United Kingdom trademark registrations inter alia for COORSTEK whose particulars the Panel has set out above in the Factual Background section. The Panel finds this proves that the Complainant has trademark rights in the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, 3<sup>rd</sup> edition, ("[WIPO Overview 3.0](#)"), section 1.2.1.

The disputed domain name incorporates the Complainant's COORSTEK mark in full, changing the mark only by adding "inc," the abbreviation for "incorporated", and the generic top-level domain ("gTLD") ".online." Therefore, the disputed domain name is confusingly similar to the Complainant's trademark. [WIPO Overview 3.0](#), section 1.7.

The consensus under the Policy is that the addition of a gTLD and additional terms to a complainant's trademark do not prevent a finding of confusing similarity between a disputed domain name and a complainant's trademark. See *Proceq AG. v. Ellen Bearden, proceqinc*, WIPO Case No. [D2020-3325](#) (finding the complainant's mark followed by the abbreviation "inc." and by a gTLD "cannot dispel the confusing similarity of the disputed domain name to the Complainant's mark" and therefore "would not prevent a finding of confusing similarity.")

The Panel finds, then, that the disputed domain name is confusingly similar to the Complainant's COORSTEK trademark, and thus the Complainant has carried its burden of proof per Policy paragraph 4(a)(i).

### **B. Rights or Legitimate Interests**

Owing to the difficulty of proving a negative, the Policy consensus is that it is sufficient for the Complainant to make a prima facie case that the Respondent does not have rights or legitimate interests in the disputed

domain name per Policy paragraph 4(a)(ii). Then it is up to the Respondent to come forward and show that it does have rights or legitimate interests, although the ultimate burden of proof remains on the Complainant. [WIPO Overview 3.0](#), section 2.1.

The Complainant contends that it has not authorized the Respondent to use its trademark in any way, including in the disputed domain name, and that it has no relationship with the Respondent. This constitutes a prima facie case under the Policy. [WIPO Overview 3.0](#), section 2.1.

The Respondent has not filed a response in this proceeding, and therefore has not come forward to try to rebut the Complainant's contentions. Nonetheless, for the sake of completeness, the Panel will examine the record to see whether there might be evidence that the Respondent has rights or legitimate interests in the disputed domain name per the Policy at paragraph 4(c). In doing so, the Panel will accept all the Complainant's reasonable contentions as true.

The Respondent has never operated a business or posted any content at the disputed domain name. Instead, the disputed domain name resolves to a parked page from the Registrar providing advertising for its services. Because the Respondent is not currently using the disputed domain name, the Respondent is not making a bona fide offering of goods or services pursuant to Policy paragraph 4(c)(i), nor a legitimate noncommercial or fair use under Policy paragraph 4(c)(iii). See *Nilfisk-Advance A/S v. SC Getic Décor Srl*, WIPO Case No. [DRO2009-0007](#) ("The Respondent is not using the disputed domain name for a bona fide offering of any products or services and no evidence of preparation for such an offering has been presented, as from the date of registration until today the website to which the disputed domain name resolves is under construction."); *Perfetti van Melle S.p.A. v. Web Worm Group Ltd*, WIPO Case No. [D2002-0467](#) ("it does not use the website, which is still under construction, in connection with a bona fide offering of goods or services").

Furthermore, the Respondent has not been commonly known by the disputed domain name and does not claim to have been per Policy paragraph 4(c)(ii).

Moreover, the composition of the disputed domain name, incorporating the Complainant's distinctive trademark followed by "inc", a term directly associated with the Complainant's corporate name, carries a risk of implied affiliation and it cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds the Complainant has shown that the Respondent does not have rights or legitimate interests in the disputed domain name per Policy paragraph 4(a)(ii).

### **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. Panels have found that non-use of a domain name would not prevent a finding of bad faith under the doctrine of "passive holding". [WIPO Overview 3.0](#), section 3.3.

Having reviewed the record, the Panel finds that the salient features of the present case do support a passive holding finding that the Respondent registered and is using the disputed domain in bad faith. First, there is the strong reputation of the Complainant's trademark among those knowledgeable in its field of engineered materials, as well as the fact that the trademark is a distinctive coined term. Moreover, as discussed above, the choice of additional term "inc" suggests knowledge of and an intent to falsely suggest an affiliation with the Complainant. Thus, the Respondent likely targeted the Complainant when registering the disputed domain name. There is also the fact that the Respondent took pains to hide its identity from the Complainant and the public. And finally, there is the fact that the Respondent has set up an mail exchange service using the disputed domain name which arouses suspicion that the Respondent could soon engage in phishing or similar dubious activities. The Panel in *Telstra Corp. Ltd. v. Nuclear Marshmallows*, WIPO Case

No. [D2000-0003](#), found bad faith use by the registrant where, inter alia, the complainant's trademark had a strong reputation, and the Respondent provided no evidence of any actual or contemplated good faith use of the disputed domain name.

For all of the reasons above, the Complainant has succeeded in showing that the Respondent's conduct constitutes bad faith registration and use of the disputed domain name per Policy paragraph 4(a)(iii).

## **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 <coorstekinc.online> be transferred to the Complainant.

*/Dennis A. Foster/*

**Dennis A. Foster**

Sole Panelist

Date: December 10, 2024