

ADMINISTRATIVE PANEL DECISION

The Chemours Company FC, LLC v. shubham chauhan, Sangam Electronics Industry

Case No. D2022-3416

1. The Parties

The Complainant is The Chemours Company FC, LLC, United States of America ("USA"), represented by Bates & Bates LLC, USA.

The Respondent is shubham chauhan, Sangam Electronics Industry, India.

2. The Domain Name and Registrar

The disputed domain name <wiresofteflon.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 14, 2022. On September 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 16, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on September 22, 2022, 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 September 22, 2022.

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 September 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 18, 2022. The Respondent sent an email communication to the Center on September 29, 2022 stating his willingness to settle the dispute. The Center sent an email to the Parties inviting the Complainant to suspend the proceeding to explore the

possibility of a settlement agreement between the Parties. The Complainant did not request the suspension of the proceeding, so the Center notified the Parties that it would proceed to appoint the Panel.

The Center appointed Dr. Clive N.A. Trotman as the sole panelist in this matter on November 2, 2022. 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 was spun off in 2015 by E. I. du Pont de Nemours and Company (“DuPont”), which discovered the synthetic fluoropolymer polytetrafluoroethylene (“PTFE”) in 1938. PTFE has ubiquitous applications and is widely known by the name Teflon which was trademarked by DuPont in 1945.

The Complainant states it is the owner of numerous trademarks for TEFLON, of which the Panel notes the following to be representative for the purposes of this proceeding:

TEFLON, United States Patent and Trademark Office (“USPTO”) trademark number 418698, registration granted on January 8, 1946;

TEFLON, Indian Ministry of Commerce & Industry trademark number 237465, registration granted on September 8, 1966.

The Complainant also owns over 200 domain names incorporating TEFLON, including <teflon.com> created on June 13, 1997, and <teflon.net> created on February 12, 2000.

The Respondent has not provided any background information. The disputed domain name was registered by the Respondent on May 11, 2022 and resolves only to a parking page provided by the Registrar. The Respondent is also recorded as being the registrant of the domain names <teflonwiresandcables.com> and <tefloncreators.com>, which are the subject of separate disputes.

5. Parties’ Contentions

A. Complainant

The Complainant has provided a list of trademarks running to some 26 pages registered variously world-wide for or incorporating TEFLON, showing the trademark, registration status and number, and the dates of filing and registration.

The Complainant contends that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. The disputed domain name incorporates the entirety of the Complainant’s trademark TEFLON. The Complainant also argues that the additional words “wires” and “of” do not detract from but add to confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in respect to the disputed domain name. The Respondent is not affiliated with the Complainant, has no legitimate interest in the disputed domain name, and cannot make any legitimate, non-infringing use of it.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith.

The Complainant says that the Respondent is using the Complainant’s trademark without authorization; has hidden its true identity; and is attempting to trade off the Complainant’s goodwill. The Respondent is not

making a legitimate use of the disputed domain name since the disputed domain name resolves to a parking page with link headings relating to electrical goods and services, and no use of the disputed domain name is conceivable that would not infringe the Complainant's rights.

The Complainant also says the Respondent has engaged in a pattern of the registration of domain names incorporating the Complainant's trademark, namely <teflonwiresandcables.com> and <tefloncreators.com>, and that these are the subjects of parallel Complaints.

The Complainant has cited previous decisions under the Policy that it considers to be relative to its Complaint.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent replied promptly to the Center with a brief email that may appropriately be reproduced in full:

"I would like to settle the ongoing dispute of uniform domain name and dispute resolution policy.

The domain <wiresofteflon.com> was purchased by me with no acquaintance of this domain's existence. As of now the domain has not been used for any purpose.

Please assist me through further process as I wish to not continue with this domain and get the settlement done on earliest basis.

(signed)"

6. Discussion and Findings

Paragraph 4(a) of the Policy states that the Respondent is required to submit to a mandatory administrative proceeding in the event that the Complainant asserts to the applicable dispute-resolution provider, in compliance with the Rules, that:

"(i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) you have no rights or legitimate interests in respect of the domain name; and

(iii) your domain name has been registered and is being used in bad faith".

The Complainant has made the relevant assertions as required by the Policy. The dispute is properly within the scope of the Policy and the Panel has jurisdiction to decide the dispute.

The Response makes clear that the Respondent acquiesces to the transfer of the disputed domain name to the Complainant. The Policy does not provide for a summary or default Decision and the Complainant must nevertheless prove its case to the satisfaction of the Panel.

A. Identical or Confusingly Similar

The Complainant has provided a 26-page-long list of registered trademarks world-wide but has not provided documentary evidence of any of these.

Section 4.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) notes the consensus interpretation of paragraphs 10 and 12 of the Rules, to the effect that the Panel may undertake limited factual research into matters of public record, including trademark registration databases. In the interests of expediency (Rules, paragraph 10(c)), the Panel has verified the Complainant’s ownership of the USPTO trademark number 418698 and the Indian Ministry of Commerce & Industry trademark number 237465, both for TEFLON. Furthermore the Complainant certifies that the information in its Complaint is complete and accurate, and the matter is not contested by the Respondent.

The disputed domain name <wiresofteflon.com> may be read as “wires”, “of”, and TEFLON. The disputed domain name incorporates the entirety of the Complainant’s trademark and is in that respect found to be confusingly similar. The additional words “wires” and “of” are found not to prevent a finding of confusing similarity with the Complainant’s trademark. The generic Top-Level Domain (“gTLD”) “.com” may be disregarded in the determination of confusing similarity. Accordingly the Panel finds for the Complainant under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has stated that it is not affiliated with the Respondent, which has no legitimate interest in the disputed domain name and cannot make any legitimate, non-infringing use of it. The Complainant has made out a *prima facie* case to the effect that the Respondent has no rights or legitimate interests in respect to the disputed domain name.

Paragraph 4(c) of the Policy provides for the Respondent to contest the Complainant’s *prima facie* case under paragraph 4(a)(ii) of the Policy and to establish rights or legitimate interests in a disputed domain name by demonstrating, without limitation:

- “(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a 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”.

The Respondent has not contested the Complainant’s *prima facie* assertion in the terms of paragraphs 4(c)(i), (ii) or (iii) of the Policy or otherwise.

The Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name and finds for the Complainant under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant must prove under paragraph 4(a)(iii) of the Policy that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy lists four alternative circumstances that shall be evidence of the registration and use of a domain name in bad faith by a respondent, namely:

- “(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site 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 your website or location or of a product or service on your website or location".

The provisions of paragraph 4(b) of the Policy are, however, without limitation, and bad faith may be found alternatively by the Panel.

The disputed domain name is resolving only to a parking page with the link headings "Electrical Wiring", "Electrical Materials" and "Electrical Installation". The Complainant's trademark is well-known and is an invented and distinctive word. The Respondent has not offered any evidence of intended use of the disputed domain name in good faith and has in fact indicated that it does not wish to keep it.

On the totality of the evidence and on the balance of probabilities, the Panel finds that the disputed domain name was registered and is being used by the Respondent in bad faith in the terms of paragraph 4(a)(iii) of the Policy.

The Panel has noted the Complainant's additional ground for the Complaint, that the Respondent is alleged to have engaged in a pattern of the registration of blocking domain names incorporating the Complainant's trademark, citing <teflonwiresandcables.com> and <tefloncreators.com>, and will not comment on these matters since the respective Decisions have not been issued.

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 <wiresofteflon.com> be transferred to the Complainant.

/Dr. Clive N.A. Trotman/

Dr. Clive N.A. Trotman

Sole Panelist

Date: November 17, 2022