

## **ADMINISTRATIVE PANEL DECISION**

Charlotte Pipe and Foundry Company v. Meng Jianhua  
Case No. D2022-3871

### **1. The Parties**

The Complainant is Charlotte Pipe and Foundry Company, United States of America (“United States”), represented by Nelson Mullins Riley & Scarborough, L.L.P., United States.

The Respondent is Meng Jianhua, China.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 14, 2022. On October 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 17, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 October 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 8, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 9, 2022.

The Center appointed Mihaela Maravela as the sole panelist in this matter on November 11, 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.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

#### **4. Factual Background**

According to the information in the Complaint, the Complainant was founded in 1901 and is currently one of the largest manufacturer of drain, waste, and vent pipe and fittings in the United States. It operates one of the largest fittings molding facilities in the world.

The Complainant proved ownership of many CHARLOTTE, CHARLOTTE PIPE AND FOUNDRY COMPANY, CHARLOTTE PIPE & FOUNDRY, and CHARLOTTE PIPE trademarks, including the United States trademark CHARLOTTE PIPE no. 2,310,779 registered on January 25, 2000. The Complainant has registered the domain name <charlottepipe.com> since September 18, 1997, that it uses to host its main online location.

The disputed domain name was registered on May 17, 2022 and resolves to a website displaying layouts mimicking the Complainant's official website, purportedly offering the Complainant's products for sale.

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

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

The Complainant argues that the disputed domain name is comprised of the Complainant's CHARLOTTE PIPE trademark in its entirety followed by the generic term "shop", a term inherently related to the Complainant's commercial business. Therefore, the disputed domain name is confusingly similar to the CHARLOTTE PIPE trademark in which the Complainant has prior rights.

As regards the second element, the Complainant argues that it has not authorized the Respondent to use the CHARLOTTE PIPE trademark nor is the Respondent a licensee of the Complainant. The Respondent is not commonly known by the disputed domain name. Also, the Respondent is not making a *bona fide* offering of goods or services or a fair use of the disputed domain name because the Respondent is using the disputed domain name to resolve to a website that intentionally mimics the Complainant's own website and to operate an online e-commerce website offering that is meant to look like it is operated by or affiliated with the Complainant and is allegedly offering the Complainant's products at a discount.

With respect to the third element, the Complainant argues that given its long standing use of the CHARLOTTE PIPE trademark and the Respondent's use of the disputed domain name to mimic the Complainant's own website, the Respondent has registered and used the disputed domain name in bad faith, to intentionally attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant by infringing upon the Complainant's trademark rights and mimicking the Complainant's website.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **6.1. Preliminary Matters**

No communication has been received from the Respondent in this case. However, given that the Complaint was sent to the relevant address disclosed by the Registrar, the Panel considers that this satisfies the

requirement in paragraph 2(a) of the UDRP Rules to “employ reasonably available means calculated to achieve actual notice”. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules and to draw inferences from the Respondent’s failure to file any Response. While the Respondent’s failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent’s default.

## 6.2. Substantive Matters

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following elements:

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

### A. Identical or Confusingly Similar

The Complainant has provided evidence of its rights in the CHARLOTTE PIPE trademark. The trademark CHARLOTTE PIPE is reproduced in its entirety in the disputed domain name. The addition of “shop” does not prevent a finding of confusing similarity with the Complainant’s trademark CHARLOTTE PIPE, which is recognizable in the disputed domain name. The fact that a domain name wholly incorporates a complainant’s trademark is sufficient to establish identity or confusing similarity for the purpose of the Policy, despite the addition of other words to such trademarks. The addition of an additional term (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

It is well accepted by UDRP panels that a generic Top-Level Domain (“gTLD”), such as “.com”, is typically ignored when assessing whether a domain name is identical or confusing similar to a trademark. See section 1.11 of the [WIPO Overview 3.0](#).

This Panel concludes that the disputed domain name is confusingly similar to the Complainant’s trademarks and therefore finds that the requirement of paragraph 4(a)(i) of the Policy is satisfied.

### B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

As established by previous UDRP panels, it is sufficient for the Complainant to make a *prima facie* case demonstrating that the Respondent has no rights or legitimate interests in the disputed domain name in order to place the burden of production on the Respondent (see section 2.1 of the [WIPO Overview 3.0](#)).

In the present case, the Complainant has established a *prima facie* case that it holds rights over the trademark CHARLOTTE PIPE and claims that the Respondent has no legitimate reason to acquire and use the disputed domain name. There is no evidence that the Respondent is using the disputed domain name in connection with a *bona fide* offering of goods or services. Rather, according to the un rebutted evidence of the Complainant, the website at the disputed domain name is mimicking the Complainant’s official website and allegedly offering for sale the Complainants’ products. It does not make it clear that there is no commercial connection with the Complainant. In the Panel’s view, such use demonstrates neither a *bona fide* offering of goods nor a legitimate interest of the Respondent within the meaning of paragraphs 4(c)(i) and (iii) of the Policy.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

Furthermore, the nature of the disputed domain name, that includes the Complainant's well-established trademark, carries a risk of implied affiliation and cannot constitute a fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

The Panel considers that the Complainant has made a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent failed to rebut that *prima facie* case because the Respondent did not respond to the Complainant's contentions.

With the evidence on file, the Panel finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

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

According to paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, "in particular but without limitation", be evidence of the disputed domain name's registration and use in bad faith.

The Complainant's registration and use of the relevant trademarks predate the date at which the Respondent registered the disputed domain name. The disputed domain name resolves to a website that mimics the Complainant's own website. Given the distinctiveness and renown of the Complainant's trademark, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademarks, and to target those trademarks.

By registering and using the disputed domain name to resolve to a website mimicking the Complainant's official web page, the Respondent has intentionally attempted to attract, for commercial gain, Internet users, by creating a likelihood of confusion with the Complainant's trademark.

In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name. The Respondent failed to bring evidence as to the contrary. Consequently, the Panel concludes that the condition of paragraph 4(a)(iii) of the Policy is fulfilled.

### **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 <charlottepipeshop.com> be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: November 25, 2022