

## **ADMINISTRATIVE PANEL DECISION**

Championx USA Inc. v. John paul

Case No. D2023-0484

### **1. The Parties**

The Complainant is Championx USA Inc., United States of America, represented by TechLaw Ventures, PLLC, United States of America.

The Respondent is John paul, Malaysia.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 2, 2023. On February 2, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 2, 2023, 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 February 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 3, 2023.

The Center appointed Adam Samuel as the sole panelist in this matter on March 10, 2023. 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's parent company supplies engineering equipment and technology that helps companies drill for oil and gas. The Complainant owns a number of trademarks for the name CHAMPIONX including the international trademark, number 1547390, registered on December 11, 2019. The Complainant registered the domain name <championx.com> on May 9, 2012, through which it promotes its group's products.

The disputed domain name was registered on January 1, 2023. The disputed domain name has never resolved to a website.

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

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

The disputed domain name is a misspelling of the Complainant's CHAMPIONX trademark varying from the correct spelling by the transposition of the letters "m" and "n". This slight difference in spelling between the Complainant's trademark and the disputed domain name does not reduce the confusing similarity.

The Respondent is not commonly known by the disputed domain name and is not an authorised dealer of goods or services in connection with which the Complainant's mark is used. Nor are they authorised to use the Complainant's trademark. The Respondent does not appear to be using the disputed domain name. However, it has used the disputed domain name as an email address in an email appearing to come from the Complainant that was sent to at least one of the Complainant's customers as part of a fraudulent scheme, requesting payment information.

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

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

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

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

- (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.

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

The disputed domain name consists of the Complainant's trademark with the "n" and "m" transposed and the generic Top-Level Domain ("gTLD") ".com". The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 1.9 of the [WIPO Overview 3.0](#) says:

"A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark."

For all these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark.

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

The Respondent is not called "chanpiomx" or anything similar. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks. The Respondent does not appear to have used the disputed domain name for any legitimate purpose. It does though, seem to have used the disputed domain name in order to impersonate the Complainant or its group in order to obtain information from one of the Complainant's customers in an email dated January 18, 2023.

Based on the available record, where the Complainant has made out a preliminary case that the Respondent lacks rights or legitimate interests, and in the absence of any response on this point, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name. See section 2.1 of the [WIPO Overview 3.0](#).

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

The transposition of the letters "m" and "n" in the reproduction of the Complainant's trademark in the disputed domain name suggests that this is a typosquatting case.

Section 1.9 of the [WIPO Overview 3.0](#) says:

"Under the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent [...] to confuse users seeking or expecting the complainant."

Using the disputed domain name, the Respondent seems to have sent an email to a client of the Complainant's group purporting to be from the Complainant requesting a document from it, 17 days after the registration of the disputed domain name.

For all these reasons, the Panel concludes that the Respondent registered the disputed domain name to confuse Internet users into thinking that either the disputed domain name or emails sent using it, were connected to the Complainant. See section 3.1.4 of the [WIPO Overview 3.0](#).

The Panel concludes, therefore, that the Respondent registered and is using the disputed domain name in bad faith.

## **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, <chanpiomx.com> be transferred to the Complainant.

*/Adam Samuel/*

**Adam Samuel**

Sole Panelist

Date: March 17, 2023