

ADMINISTRATIVE PANEL DECISION

The Chemours Company, FC LLC v. Domain Admin, Domain Privacy Service FBO Registrant / Bret Rumsey
Case No. D2022-2506

1. The Parties

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

The Respondent is Domain Admin, Domain Privacy Service FBO Registrant, United States / Bret Rumsey, United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2022. On July 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 11, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on July 13, 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 amendment to the Complaint on July 18, 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 July 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 15, 2022.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on August 18, 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 Complaint identifies the Complainant as “a 2015 spin-off of E. I. du Pont de Nemours and Company (‘DuPont’)” and the owner of the registered CHEMOURS mark. The online database of the Delaware Division of Corporations shows that the Complainant is a limited liability company established under the law of the State of Delaware, United States, in April 2014. The Complainant is headquartered in Delaware and its stock is traded on the New York Stock Exchange. It operates websites with more than 25 domain names, including a principal website at “www.chemours.com”, which was launched in 2014. The Complainant’s website indicates that the Complainant produces a range of chemicals at 35 manufacturing sites and laboratories and sells products to customers in approximately 120 countries.

The Complainant explains that CHEMOURS “is a made-up mark: (CHEM is a reference to chemistry and OURS is a reference to ours in E. I. du Pont de Nemours)”. The Complainant holds numerous CHEMOURS word and design trademarks in the United States and internationally, including United States Trademark Registration Number 5163745 (registered March 21, 2017) for CHEMOURS as a standard character mark.

The Domain Name was registered on February 23, 2022. After receiving notice of the Complaint in this proceeding, the Registrar identified the underlying registrant as the Respondent Bret Rumsey, listing no organization and showing a postal address in the State of Arizona, United States and an email address in the domain <intel.com>, which is operated by computer chip manufacturer Intel Corporation.

The Panel notes that according to his LinkedIn profile, Mr. Rumsey is a senior design engineer at Intel Corporation based in Arizona, United States. His name does not appear in searches of prior UDRP complaints. It is possible that his identity was appropriated in this instance by a cybersquatter, but this is unknown because the Respondent did not reply to correspondence from the Complainant or the Center, although it appears that emails and courier packages were successfully delivered to the addresses provided by the registrar.

It does not appear that the Domain Name has been used to date for an active website or email account. The Panel notes that there are no archived screenshots associated with the Domain Name recorded by the Internet Archive’s Wayback Machine.

5. Parties’ Contentions

A. Complainant

The Complainant asserts that the Domain Name is confusingly similar to its registered CHEMOURS trademark and represents an instance of typosquatting, the deliberate misspelling of a trademark to attract Internet users who make a small typing error or misremember the exact spelling of a mark reflected in domain names.

The Complainant states that it is not associated with the Respondent and did not authorize the use of a Domain Name that is confusingly similar to its mark and that “dilutes” and “tarnishes” its mark. The Complainant contends that “there is no legitimate, non-infringing use Respondent can make of the disputed domain name” and that the Respondent must have registered the Domain Name in bad faith because it is confusingly similar to the Complainant’s mark, it is a “clear typo-squat” of the Complainant’s principal domain name, and the Respondent hid its identity in registering the Domain Name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following: (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and (ii) the respondent has no rights or legitimate interests in respect of the domain name; and (iii) the 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 first element of a UDRP complaint "functions primarily as a standing requirement" and entails "a reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name". WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.7. The Domain Name is a close approximation of the Complainant's registered CHEMOURS mark, substituting an "i" for "u" and dropping the final "s". (As usual, the Top-Level Domains e.g., ".art", ".cloud", ".club", ".co", ".online", or ".org" are disregarded as a standard registration requirement. See *id.* section 1.11.1.)

The Panel finds, therefore, that the Domain Name is confusingly similar to the Complainant's CHEMOURS mark and concludes that the Complainant has established the first element of the Complaint.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy gives non-exclusive examples of instances in which a respondent may establish rights or legitimate interests in a domain name, by demonstrating any of the following:

(i) before any notice to it of the dispute, the respondent's 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) that the respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) the respondent is 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.

Because a respondent in a UDRP proceeding is in the best position to assert rights or legitimate interests in a domain name, it is well established that after a complainant makes a *prima facie* case, the burden of production on this element shifts to the respondent to come forward with relevant evidence of its rights or legitimate interests in the domain name. See [WIPO Overview 3.0](#), section 2.1.

The Complainant has established trademark rights, a lack of permissive use, and the Respondent's failure to make use of the Domain Name to date. Thus, the Complainant has made a *prima facie* case, and the burden of production shifts to the Respondent. The Respondent has not submitted a Response. There is no website associated with the Domain Name or evidence on this record that the Respondent has rights or legitimate interests in the Domain Name.

The Panel concludes that the Complainant prevails on the second element of the Complaint.

C. Registered and Used in Bad Faith

The Complainant's trademark is well-known and highly distinctive, not a dictionary word. The Domain Name is also not a dictionary word and differs only by substituting a vowel and dropping the final "s". It is probable, then, that the Domain Name was selected in imitation of the Complainant's mark, which would represent an instance of typosquatting. The Respondent has not come forward to offer an alternative explanation.

The Policy, paragraph 4(b), furnishes a list of circumstances that "shall be evidence of the registration and use of a domain name in bad faith". The list is expressly non-exclusive, and panels have found other indicia of bad faith that are evident in the present case, including "a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name" ([WIPO Overview 3.0](#), section 3.2.1), typosquatting (see, e.g., *Learning Tree International, Inc. v. hghghjkk jghjklk*, WIPO Case No. [D2015-1243](#): "The Respondent has also clearly engaged in typosquatting, which evidences bad faith registration"), coupled with a failure to answer the Complaint or take part in the UDRP proceeding (see, e.g., *NEOVIA v. Whols Guard Protected / Thomas Sal*, WIPO Case No. [D2019-0512](#)) (typosquatting and non-responsiveness cited as indicators of bad faith).

The Respondent has not yet associated the Domain Name with an active website, but the Panel notes that this case also falls within the "passive holding" doctrine ([WIPO Overview 3.0](#), section 3.3), given the highly distinctive nature and reputation of the mark, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, the Respondent's concealing its identity and possibly using false contact details, and the implausibility of any good faith use to which the Domain Name may be put.

The Panel finds bad faith in the registration and use of the Domain Name in the totality of these circumstances and concludes that the Complainant has established the third element of the Complaint.

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 Domain Name, <chemoir.com>, be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: September 1, 2022