

ADMINISTRATIVE PANEL DECISION

Championx LLC v. David Minor, SOURCE INTERNATIONAL
Case No. D2024-2433

1. The Parties

The Complainant is Championx LLC, United States of America ("United States"), represented by TechLaw Ventures, PLLC, United States.

The Respondent is David Minor, SOURCE INTERNATIONAL, United States.

2. The Domain Name and Registrar

The disputed domain name <championsx.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 13, 2024. On June 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 14, 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 (Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 18, 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 amendment to the Complaint on June 19, 2024.

The Center verified that the Complaint together with the amendment to 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 June 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 11, 2024.

The Center appointed Martin Schwimmer as the sole panelist in this matter on July 17, 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 limited liability company established under the laws of the State of Delaware, United States and headquartered in Sugar Land, Texas, United States. The Complainant is a global provider of oilfield technology solutions operating in more than 60 countries. Shares of its parent company, ChampionX Corporation, are traded on the NASDAQ stock exchange. The group operates a website at “www.championx.com”.

The Complainant adopted the trademark CHAMPIONX in June 2020. The Complainant owns United States Trademark Registration Number 7043666 (registered on May 2, 2023) for a figurative mark consisting of the word CHAMPIONX in stylized letters for artificial lift systems in wellsite automation and related software in International Classes 7 and 9.

The Whois database reports that the disputed domain name was created on May 28, 2024, showing the name of a domain privacy service as the registrant. After receiving notice of the Complaint in this proceeding, the Registrar identified the underlying registrant as David Minor, listing SOURCE INTERNATIONAL as the registrant’s organization, and showing a postal address in the United States. There is no indication that the disputed domain name has ever resolved to a website operated by the Respondent. The Complainant provided evidence that the Respondent utilized the disputed domain name in connection with a purported phishing email scheme.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name. Notably, the Complainant contends that the disputed domain name is confusingly similar to its CHAMPIONX mark, consisting of a slight misspelling of the mark (inserting an “r” and an “s”). The Respondent has not used the disputed domain name for an active website, and there is no evidence that the Respondent is commonly known by a corresponding name. The Complainant attaches the results of an Internet search showing no business with a corresponding name, and the results of a United States trademark office search showing that the Respondent has no corresponding trademark registration or application.

The Complainant contends that the disputed domain name has been used in connection with a fraudulent email scam, which points to bad faith in the registration and use of the disputed domain name. Specifically, the Complaint has submitted evidence of an email communication sent from an address utilizing the disputed domain name, to a customer of the Complainant, requesting banking information from the customer.

B. Respondent

The Respondent did not reply to the Complainant’s contentions,

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves 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 Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel initially notes that the Complainant's trademark CHAMPIONX is distinctive. The disputed domain name contains the Trademark in its entirety with the addition of the letters "r" and "s", which do not change the overall impression of the Trademark. The Panel considers this as an intentional misspelling of the Trademark to be confusingly similar to the Complainant's trademark. [WIPO Overview 3.0](#), section 1.9.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, here, the asserted impersonation of the Complainant, for purposes of some form of phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that, as stated above, there is un rebutted evidence that the Respondent sent an email to a customer of the Complainant seeking banking information and referring to past due invoices. In the absence of any evidence to the contrary, this email communication establishes that the Respondent was aware of the Complainant and sought to create a likelihood of confusion with the Complainant's mark for commercial gain.

Panels have held that the use of a domain name for illegal activity here, impersonation for purposes of phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

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 <championsx.com> be transferred to the Complainant.

/Martin Schwimmer/

Martin Schwimmer

Sole Panelist

Date: July 22, 2024