

ADMINISTRATIVE PANEL DECISION

Textile Rubber and Chemical Company, Inc. v. olas Terrance, Textile Rubber & Chemical Co., Inc.

Case No. D2025-0919

1. The Parties

Complainant is Textile Rubber and Chemical Company, Inc., United States of America ("United States" or "U.S."), represented by Meunier Carlin & Curfman LLC, United States.

Respondent is olas Terrance, Textile Rubber & Chemical Co., Inc., United States.

2. The Domain Name and Registrar

The disputed domain name <trccincs.com> (the "Disputed Domain Name") is registered with Name SRS AB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 5, 2025. On March 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 10, 2025, 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 (JOHN DOE) and contact information in the Complaint. The Center sent an email communication to Complainant on March 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 13, 2025. On March 27, 2025, the Center sent another email communication to Complainant, this time regarding the identity of the Registrar and the appropriate Mutual Jurisdiction election made by Complainant, requesting Complainant to further amend the Complaint, which Complainant did on March 31, 2025. This second amended Complaint is referred to herein as the "Complaint."

The Center verified that the Complaint together with the second 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 Respondent of the Complaint, and the proceedings commenced on April 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 25, 2025.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on May 1, 2025. 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

Complainant states that it "is a highly diversified supplier and chemical manufacturer with a global presence across nine countries, including the United States, Canada, Mexico, Guatemala, Brazil, England, Germany, China and Malaysia. In the U.S. alone, Complainant has five facilities. Since 1951, Complainant has supplied latex to the tufted carpet and rug industry and has since grown into an international manufacturer and distributor of chemicals."

Complainant further states that "'TRCC' is the short form of Complainant's name, Textile Rubber and Chemical Company" and that "Complainant purchased the domain <trcc.com> in 1996 and has used it since to advertise its chemical manufacturing and distributorship services."

Complainant owns the following registered trademarks: TEXTILE RUBBER & CHEMICAL COMPANY, United States Registration No. 4,551,147, registered on June 17, 2014, and TEXTILE RUBBER & CHEMICAL CO., INC., United States Registration No. 4,559,335, registered on July 1, 2014. Complainant further states that it "is the owner of a common law service mark for TRCC and is using the mark in commerce" because it "has continuously used the TRCC service mark in association with its chemical manufacturing and distributorship services for at least the last fifteen years." In support thereof, Complainant provided documentation showing use of TRCC (the "TRCC Trademark") on its website and trucks. In addition, Complainant has cited *Textile Rubber and Chemical Company, Inc. v. olas logs*, WIPO Case No. [D2024-4027](#), in which a previous panel found that "the Complainant's TRCC mark has achieved significance as a source identifier for the purposes of the Policy."

The Disputed Domain Name was created on November 18, 2024.

Complainant further states that the Disputed Domain Name has been used in connection with "an illegal phishing scheme to impersonate Complainant and ultimately succeeded in fostering confusion" by seeking "to confuse and dupe third-party suppliers into believing that Respondent's fake purchase orders are from Complainant." In support thereof, Complainant has provided what appears to be an email to Complainant from a customer or vendor of Complainant questioning the legitimacy of an email it received from someone with an email address using the Disputed Domain Name who was "inquiring about purchasing networking equipment."

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, Complainant contends that:

- The Disputed Domain Name is identical or confusingly similar to the TRCC Trademark because the Disputed Domain Name “comprises [the TRCC Trademark] in its entirety,” simply adding the letters “incs,” which is “short for incorporated” and suggests that the Disputed Domain Name “is a site connected to the [c]omplainant’s business.” (Internal punctuation and citation omitted.)
- Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, “Respondent holds no trademarks or other intellectual property rights to the term ‘TRCCINCS’”; “the sole purpose of <trccincs.com> is to commit fraud to tarnish the TRCC trademark and the reputation of Complainant”; “Complainant has not licensed or otherwise authorized Respondent to use the TRCC trademark”; Respondent is not commonly known by the Disputed Domain Name; Respondent fails to use the Disputed Domain Name for legitimate noncommercial or fair use purposes because Respondent is “unaffiliated with the complainant, lack[s] authorization to use the domain name, and ha[s] no evidence of legitimate use”; and “Respondent is using its <trccincs.com> domain name to commit fraud” by “illegally impersonating Complainant to send fraudulent purchase orders to lure suppliers into falsely believing that they are entering into a business transaction with Complainant.”
- Respondent registered and is using the Disputed Domain Name in bad faith because, inter alia, “[u]se of a domain name for per se illegitimate activities, such as committing fraud, is manifestly considered evidence of bad faith” (internal punctuation and citation omitted); and “Respondent is creating confusion by using Complainant’s common law mark, federally registered marks, logo, and the address of Complainant’s headquarters in the fake purchase orders” sent via an email address using the Disputed Domain Name.”

B. Respondent

Respondent did not reply to 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 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.

As to whether Complainant has established common law trademark rights in the TRCC Trademark, [WIPO Overview 3.0](#), section 1.3 states:

To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant’s goods and/or services.

Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys.

Here, given Complainant’s assertion that it has the TRCC Trademark for 15 years and that it has provided (albeit limited) documentation of such usage, the Panel agrees with the decision in *Textile Rubber and Chemical Company, Inc. v. olas logs*, WIPO Case No. [D2024-4027](#), that “the Complainant’s TRCC mark has achieved significance as a source identifier for the purposes of the Policy.”

As to whether the Disputed Domain Name is identical or confusingly similar to the TRCC Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “trccincs”), as it is well-established that the generic Top-Level Domain (i.e., “.com”) may be disregarded for this purpose. WIPO Overview, section 1.11: “The applicable Top Level Domain (“TLD”) in a domain name (e.g., “.com”, “.club”, “.nyc”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.”

The Disputed Domain Name contains the TRCC Trademark in its entirety. As set forth in section 1.7 of [WIPO Overview 3.0](#): “in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.” Here, the Disputed Domain Name incorporates the entirety of the TRCC Trademark, which is recognizable in the Disputed Domain Name.

Inclusion of the letters “incs” in the Disputed Domain Name (perhaps signifying “incorporated”) does nothing to alleviate confusing similarity for purposes of the Policy, because “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.” [WIPO Overview 3.0](#), section 1.8. Indeed, Complainant has cited previous decisions in which panels found confusing similarity in which disputed domain names contained complainants’ trademarks plus “incs”: *Arkema France v. Whois Privacy Protection Service, Inc. / Amanda Bishop*, WIPO Case No. [D2012-2034](#) (finding <arkemaincs.com> confusingly similar to ARKEMA); and *SAP SE v. Name Redacted / Domains By Proxy, LLC*, WIPO Case No. [D2016-0410](#) (finding <sapincs.com> confusingly similar to SAP).

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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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.

Plus, as set forth in [WIPO Overview 3.0](#), section 2.13.1: “Panels have categorically held that the use of a domain name for illegal activity (e.g., ... phishing, ... impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.”

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 Respondent is alleged to have used the Disputed Domain Name as part of an apparent phishing scam impersonating Complainant. As set forth in [WIPO Overview 3.0](#), section 3.4:

“Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. Many such cases involve the respondent’s use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant’s actual or prospective customers.”

Accordingly, the Panel finds that 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 <trccincs.com> be transferred to Complainant.

/Douglas M. Isenberg/

Douglas M. Isenberg

Sole Panelist

Date: May 14, 2025