

ADMINISTRATIVE PANEL DECISION

Jelmar, LLC v. JH Kang
Case No. DCO2023-0087

1. The Parties

The Complainant is Jelmar, LLC, United States of America ("United States"), represented by Neal, Gerber & Eisenberg, United States.

The Respondent is JH Kang, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <clrbrands.co> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 6, 2023. On October 9, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name[s] which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 19, 2023, 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 amended Complaint on October 20, 2023.

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 October 23, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 13, 2023.

The Center appointed Knud Wallberg as the sole panelist in this matter on November 20, 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 is a limited liability company incorporated under the laws of the State of Illinois, who has used the trademark CLR for over forty years in connection with household cleaning products.

The Complainant owns a portfolio of trademark registrations for CLR trademark, that cover both word marks and logo marks include, but are not limited to, International Trademark Registration No. 1094137 for CLR, registered on September 22, 2011 for goods in international classes 01 and 03 and designating, *inter alia*, the European Union and the United Kingdom; and European Union Trademark Registration No. 001845163 for the figurative mark CLR for goods in international class 03, registered on October 22, 2001.

The CLR Marks and the household cleaning products offered thereunder are promoted through the Complainant's website located at "www.clrbrands.com" and are also offered on well-known online marketplaces such as Amazon.com.

The disputed domain name was registered on July 3, 2023, and is used for an active website that contains Pay-Per-Click ("PPC") links to third party websites, some of which appears to offer similar products as those offered by the Complainant.

On August 28, 2023, the Complainant sent a demand letter to the Registrar, notifying it of the infringement and demanding that the Registrar disclose the contact information for the Registrant so that the Complainant could contact them directly. However, the Complainant did not receive a substantive response. Rather, the Registrar refused to disclose the contact information for the Registrant and directed the Complainant to pursue the present UDRP.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's CLR mark, and to the Complainant's legitimate domain name <clrbrands.com>.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no legal relationship with the Complainant through which the Respondent can claim any rights to the CLR Marks for household cleaners or to the disputed domain name, nor has the Complainant consented to the Respondent's registration of the disputed domain name. Furthermore, the Respondent is not using the disputed domain name to make a *bona fide* offering of goods or services. To the contrary, the disputed domain name is being used to host a page comprising PPC links offering goods closely related to the housecleaning goods that the Complainant offers under its CLR Marks.

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The Respondent must thus have been well aware of the Complainant's distinctive trademark and its business activities when registering the disputed domain name. The disputed domain name is being used for a parked website that contains PPC links to various third-party websites, and the aim is clearly to attract Internet users to the website for commercial gain, by creating a likelihood of confusion with the trademarks,

as to the source, sponsorship, affiliation or endorsement of the website to which the disputed domain name resolves. In addition, the Complainant invokes the fact that the Respondent has been involved in at least 39 UDRP cases since 2015 for having registered domain names in conflict with third parties' trademarks.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Based on the available record, the Panel finds the Complainant has shown rights in respect the trademark CLR for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

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

Based on the available record, the Panel finds that the first element of the Policy has been established.

B. Rights or Legitimate Interests

Having reviewed the 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.

The Panel considers that the record of this case reflects that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4. Rather, the Respondent has composed the disputed domain name in a way that not only includes the Complainant's trademark CLR but which is also identical to the second level part of the Complainant's own domain name <clrbrands.com> and the Respondent has used the disputed domain name to host a PPC landing page wherein the Respondent presumably earns click-through revenue from the unsuspecting Internet users misled to the disputed domain name by virtue of the implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.9.

Based on the available record, the Panel finds that 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.

The Panel considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web sites or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

The Panel thus finds that the circumstances of the case, in particular the distinctive nature of the Complainant's trademark, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant's marks. Further, the Panel finds that the Respondent could not have been unaware of the fact that the disputed domain name it chose could attract Internet users in a manner that is likely to create confusion for such users.

The Panel therefore finds that the disputed domain name was registered in bad faith.

Also, the Respondent is using the disputed domain name actively for a PPC page that contains links to websites of third parties, some of which appear to offer services that are similar to the Complainant's services. It is thus obvious to the Panel that the Respondent uses the disputed domain name in bad faith by intentionally attempting to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website. See section 3.5 of the [WIPO Overview 3.0](#). The fact that the named Respondent has been involved in several similar cases under the UDRP further supports this finding. [WIPO Overview 3.0](#), section 3.1.2.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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, <clrbrands.co>, be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: December 22, 2023