

ADMINISTRATIVE PANEL DECISION

Tronox LLC v. czaplinski czaplinski
Case No. D2023-0130

1. The Parties

Complainant is Tronox LLC, United States of America (“United States”), represented by SafeNames Ltd., United Kingdom (“UK”).

Respondent is czaplinski czaplinski, United States.

2. The Domain Name and Registrar

The disputed domain name <tronoxo.com> (hereinafter the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 11, 2023. On January 11, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 11, 2023, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on January 12, 2023, 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 January 13, 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 Respondent of the Complaint, and the proceedings commenced on January 17, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 6, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 9, 2023.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on February 15, 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

Complainant is a vertically integrated mining and inorganic chemical manufacturing business, specifically, Complainant processes various minerals to produce pigments that add brightness and durability to everyday products. Complainant first offered its pigment products under the TRONOX mark in 1962 and since that time, Complainant has grown to employ 6,500 employees across six continents, and as of May 2022, Complainant's business was valued at USD 2.72 billion. Complainant also owns multiple international trademark registrations for the mark TRONOX. Of relevance to this proceeding is a United States trademark registration for TRONOX (Reg. No. 769354) (Registered May 12, 1964) (the "Mark"). Complainant also owns the domain name <tronox.com>, a domain that it registered in 2004.

Respondent registered the Disputed Domain Name on September 20, 2022, long after Complainant registered its TRONOX mark. According to evidence in the Complaint, the Disputed Domain Name previously resolved to a webpage featuring pay-per-click ("PPC") advertisements for products and services unrelated to Complainant's chemical manufacturing business (e.g. "Laptops," "Mega Ball Numbers," and "Become a Lord in Scotland"), and was used in connection with a fraudulent email scheme. The website currently resolves to an inactive webpage.

5. Parties' Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to its TRONOX mark, as the Disputed Domain Name incorporates the entirety of the Mark, only containing an intentional misspelling — adding the letter "o" at the end of the Mark. Complainant alleges that Respondent also created an email address associated with the Disputed Domain Name to send emails purporting to be Complainant in order to intercept payments meant for Complainant. Complainant further asserts that its TRONOX mark has become well-known through its decades of use of the Mark in connection with Complainant's products.

Next, Complainant alleges that Respondent has no rights or legitimate interests in the Disputed Domain Name, as Respondent is not commonly known by the Disputed Domain Name and it does not own any trademarks for the TRONOX mark. Complainant also states that it has not authorized Respondent to use the Disputed Domain Name and that Respondent is not otherwise authorized or affiliated with Complainant. Complainant further claims that Respondent is not using the Disputed Domain Name in connection with a *bona fide* offering of goods or services because at the time the Complaint was filed, the Disputed Domain Name displayed Pay-Per-Click (PPC) links, which redirected users to unrelated websites. Complainant further alleges that Respondent is impersonating an employee of Complainant and communicating with third-party entities with false messages of outstanding invoices in an attempt to misappropriate funds.

Finally, Complainant contends that Respondent registered and continues to use the Disputed Domain Name in bad faith. Specifically, Complainant states that because its Mark is well-known and a brief Internet search returns multiple results associated with Complainant that Respondent must have been aware of Complainant and its earlier rights. Complainant submits that Respondent has used the Disputed Domain Name to intentionally mislead customers and make a commercial gain by purporting to be Complainant and transmitting phishing emails to third-party businesses in order to intercept payments that are intended for Complainant. Complainant also contends that Respondent's use of the Disputed Domain Name to display PPC links is further evidence of Respondent's attempt to generate commercial gain.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that Complainant's trademark registrations establish that it has rights in the TRONOX mark. The Panel further finds that, because the Disputed Domain Name incorporates Complainant's mark entirely, it is confusingly similar to Complainant's registered Mark. Respondent's addition of an "o" is an example of an intentional misspelling of a trademark that results in a domain name that is confusingly similar to the Mark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.9; see also, e.g., *Credit Suisse Group v. John Alli*, WIPO Case No. [D2004-0637](#), (finding <creditsuisseb.com> confusingly similar to the CREDIT SUISSE mark); and *ZipRecruiter, Inc. v. Super Privacy Service LTD c/o Dynadot*, WIPO Case No. [D2019-2969](#) (finding <ziprecruiter.com> confusing similar to the ZIPRECRUITER mark).

The Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Complainant has presented a *prima facie* case for Respondent's lack of rights or legitimate interests in the Disputed Domain Name, which Respondent has not rebutted. Complainant has not authorized Respondent to use its TRONOX mark. Respondent also has not answered this Complaint and there is no evidence or reason to suggest Respondent is, in fact, commonly known by the Disputed Domain Name or that Respondent is using the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

Additionally, typosquatting is evidence of a lack of rights or legitimate interests in the Disputed Domain Name, see *Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#), and the use of an email account to send emails falsely purporting to be Complainant also does not give rise to rights or legitimate interests in the Disputed Domain Name. Use of a domain name for illegal activity, such as impersonation, can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.

The Panel finds that Respondent does not have rights or legitimate interests in the Disputed Domain Name and that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent registered and used the Disputed Domain Name in bad faith. First, typosquatting, such as the addition of a letter, is evidence that Respondent was aware of and sought to impersonate Complainant when it registered the Disputed Domain Name. See, e.g., *Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo, supra*. As such, typosquatting is evidence of bad faith registration of a domain name. See, *Long's Drug Stores Cal., Inc. v. Shep Dog*, WIPO Case No. [D2004-1069](#) (Finding typosquatting to be evidence of bad faith domain name registration); *Lexar Media, Inc. v. Huang*, WIPO Case No. [D2004-1039](#) ("Typosquatting has been held under the Policy to be evidence of bad faith registration of a domain name"); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#) ("[typosquatting] is presumptive of registration in bad faith"). In addition, Respondent explicitly impersonated Complainant through the use of an email associated with the Disputed Domain Name to send phishing emails asking for payment intended for Complainant to be transmitted to Respondent's bank. Respondent clearly intended that recipients of its emails would not notice the misspelling in the email address and assume that the emails were sent by Complainant. Such conduct amounts to bad faith use of the Disputed

Domain Name. See *Super Cassettes Industries Private Limited v. Muhammad Irfan*, WIPO Case No. [D2022-0557](#); see also [WIPO Overview 3.0](#), section 3.1.3. (“[T]he use of a domain name for per se illegitimate activity [. . .] is manifestly considered evidence of bad faith.”).

Complainant has satisfied paragraph 4(a)(iii) 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, <tronoxo.com>, be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: March 1, 2023