

ADMINISTRATIVE PANEL DECISION

The Chemours Company v. Tara Hughey
Case No. D2023-0614

1. The Parties

Complainant is The Chemours Company, United States of America, represented by Bates & Bates LLC, United States of America.

Respondent is Tara Hughey, United States of America.

2. The Domain Name and Registrar

The disputed domain name <chcmours.com> is registered with Wix.com Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 9, 2023. On February 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 14, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on March 6, 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 March 9, 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 March 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 2, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 4, 2023.

The Center appointed Timothy D. Casey as the sole panelist in this matter on April 18, 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, spun-off from E. I. du pont de Nemours and Company in 2015, owns a large number of trademarks around the world for CHEMOURS or incorporating CHEMOURS as part of the mark (the “CHEMOURS Marks”). Since 2015, Complainant has used the CHEMOURS Marks related to chemical products and related products and services. The CHEMOURS Marks include the following:

Mark	Designation	Class(es)	Registration No.	Registration Date
CHEMOURS	United States of America	001-005, 009, 012, 016, 017, 019, 021-025, 037, 040, 042, 044	5,163,745	March 21, 2017
C CHEMOURS (Design)	United States of America	001-004, 017	5,915,042	November 19, 2019
C CHEMOURS (Design)	United States of America	001	5,897,379	October 29, 2019

The disputed domain name was registered May 31, 2022.

Complainant provided evidence showing that the disputed domain name is parked and no website associated with the disputed domain name is active.

5. Parties' Contentions

A. Complainant

Complainant contends that the CHEMOURS Marks are made-up, consisting of the combination of “chem,” as a reference to chemistry, and “ours,” as a reference to E. I. du pont de Nemours and Company’s spin-off of Complainant. Complainant contends that it is standard practice to disregard an applicable Top-Level Domain (“TLD”) when comparing a disputed domain name to a complainant’s trademark. Complainant contends that the disputed domain name is confusingly similar to the CHEMOURS Marks and is a typo-squat of Complainant’s “www.chemours.com” domain name and website, merely substituting the letter “e” with the letter “c.”

Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name. The disputed domain name is inactive and appears parked with the Registrar. Complainant notes that Respondent is not otherwise using the disputed domain name with a *bona fide* offering of goods/services or a legitimate noncommercial or fair use, and that Respondent is not commonly known by the disputed domain name.

Complainant contends that it sent Respondent a cease-and-desist letter putting Respondent on notice of Complainant’s rights in the CHEMOURS Marks and received no response. Complainant further contends that Complainant has not authorized, licensed or otherwise permitted Respondent to use the disputed domain name and has no business relationship with Respondent.

Complainant further contends that Respondent registered and is using the disputed domain name in bad faith because (1) it is using a nearly identical, confusingly similar version of the CHEMOURS Marks without authorization, (2) it is passively holding the disputed domain, (3) the disputed domain is a clear typo-squat of CHEMOURS Marks, and (4) it is attempting to trade off the goodwill Complainant Chemours has established in the CHEMOURS Marks.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Complainant's use of the CHEMOURS Marks and registrations are more than sufficient to establish that Complainant has trademark rights in the CHEMOURS Marks.

Complainant contends that the disputed domain name is confusingly similar to the CHEMOURS Marks. Complainant contends that substitution of the letter "e" in "Chemours" for the letter "c" in the disputed domain name is an attempt at typo-squatting and results in confusing similarity between the disputed domain name and the CHEMOURS Marks.

The Panel agrees and finds that the disputed domain name is confusingly similar to the CHEMOURS Marks.

B. Rights or Legitimate Interests

The Panel finds that Respondent has no rights or legitimate interests in the disputed domain name. Respondent does not appear to be commonly known by the disputed domain name. Complainant has not permitted Respondent to use the CHEMOURS Marks or otherwise licensed or authorized such use and has no business relationship with Respondent.

Respondent's nonuse, *i.e.*, parking with the Registrar, of the disputed domain name is not a *bona fide* offering of goods or service that would give rise to rights or a legitimate interest in the disputed domain name.

Furthermore, the nature of the disputed domain name, comprising the CHEMOURS Marks and substituting the similar looking letter "e" for the letter "c" signals an intention on the part of Respondent to confuse users seeking or expecting Complainant. Although Respondent does not currently use the misleading disputed domain name, this does not prevent the Respondent from doing so in the future, which cannot result in rights or a legitimate interest in the disputed domain name. See section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Respondent has not rebutted Complainant's *prima facie* case and has provided no arguments or evidence showing potential rights or legitimate interests in the disputed domain name. For these reasons, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

Given i) the timing of Complainant's first use of the CHEMOURS Marks in 2015, and the first registration of the CHEMOURS Marks, predating registration of the disputed domain name by years, ii) Complainant's worldwide use of the CHEMOURS Marks in association with the chemical products and related products and services, particularly in the United States of America where the Respondent is reportedly located, and iii) the misleading, typo-squatting nature of the disputed domain name in combination with its nonuse, indicates that Respondent had clear knowledge of the CHEMOURS Marks and Complainant's business prior to registration.

The Panel finds that Respondent's registration of the disputed domain name was in bad faith.

While the disputed domain name is not actively used, the non-use of the disputed domain name does not prevent a finding of bad faith, particularly under the circumstances of this case, as expressed above. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 3.3. The Panel concludes that the Complainant has established 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, <chcmours.com>, be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: May 2, 2023