

## **ADMINISTRATIVE PANEL DECISION**

### **Camco Manufacturing, LLC v. Yonglan Wen** **Case No. D2023-1454**

#### **1. The Parties**

Complainant is Camco Manufacturing, LLC, United States of America (“United States”), represented by Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., United States.

Respondent is Yonglan Wen, United States.

#### **2. The Domain Name and Registrar**

The disputed domain name <onlinecamco.com> is registered with Name.com, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 4, 2023. On April 4, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 6, 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 (Whois Agent, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to Complainant on April 11, 2023, providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on April 11, 2023.

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 Respondent of the Complaint, and the proceedings commenced on April 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 22, 2023.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on May 26, 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 manufactures and sells a range of camping, RV, and boating-related chemical and electrical products, among other things. Complainant owns various registrations for its CAMCO trademarks, including for example United States Trademark Registration No. 5,368,491, registered January 2, 2018 in International Classes 39 and 42, with a first use in commerce date of July 15, 1968.

The disputed domain name was registered on October 10, 2022, and resolves to a webpage displaying a heading that appears similar to Complainant's United States trademark-registered logo. The website offers for sale a number of products in categories similar to those sold by Complainant.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant avers that it was founded in 1966, and that by 2008, it enjoyed annual sales of over one USD 100 million. Complainant avers that it employs over 350 people to support operations and retail and wholesale sales, and that it has manufacturing operations in several states of the United States.

Complainant alleges that Respondent is using Complainant's trademarks, without authorization, to market similar categories of products to those marketed by Complainant. Complainant further alleges that the website to which the disputed domain name resolves to copies Complainant's trademarked logo and falsely represents that it is operated by Complainant and offers genuine products of Complainant, while in fact, the website is promoting counterfeit products.<sup>1</sup>

Complainant alleges that it received no response to the cease-and-desist letter that it sent to Respondent on March 10, 2023, via the website to which the disputed domain resolves. Complainant also avers that Respondent, as a part of its fraudulent scheme, made significant omissions and misrepresentations in the registrant information submitted to the Registrar, including the use of a non-existent address.

Summarizing its legal contentions, Complainant alleges that (1) the disputed domain name is confusingly similar to Complainant's trademarks, (2) Respondent has no rights or legitimate interests in the disputed domain name, and (3) the disputed domain name was registered and is being used in bad faith, all in violation of the Policy.

On this basis, Complainant seeks transfer of the disputed domain name.

##### **B. Respondent**

Respondent did not reply to Complainant's contentions.

#### **6. Discussion and Findings**

The Rules require the Panel to decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable. Rules, paragraph 15(a). Complainant must establish each element of paragraph 4(a) of the Policy, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and

---

<sup>1</sup> Complainant provides screen captures of pages from the website to which the disputed domain name resolves.

(iii) the disputed domain name has been registered and is being used in bad faith.

Complainant must establish these elements even if Respondent does not submit a response. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3. In the absence of a Response, the Panel may also accept as true the reasonable factual allegations in the Complaint. See, e.g., *ThyssenKrupp USA, Inc. v. Richard Giardini*, WIPO Case No. [D2001-1425](#) (citing *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#)).

#### **A. Identical or Confusingly Similar**

The Panel agrees with Complainant's allegation that the disputed domain name is confusingly similar to Complainant's CAMCO mark.

UDRP panels commonly disregard Top-Level Domains ("TLDs") in determining whether a disputed domain name is identical or similar to a complainant's marks. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1.

Omitting the ".com" TLD from the disputed domain name, the Panel notes that Complainant's entire CAMCO mark is included in the disputed domain name, adding only the word "online". The Panel finds that this addition to Complainant's mark does not prevent a finding of confusing similarity. See, e.g., [WIPO Overview 3.0](#), section 1.7 (where a domain name incorporates the entirety of a trademark, the domain name will normally be considered by UDRP panels to be confusingly similar); [WIPO Overview 3.0](#), section 1.8 ("Where 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.").

The Panel therefore concludes that the first element of paragraph 4(a) of the Policy is satisfied.

#### **B. Rights or Legitimate Interests**

The Panel also concludes that Respondent has no rights or legitimate interests in the disputed domain name.

The Policy contains a non-exhaustive list of circumstances that may demonstrate when a respondent has rights or legitimate interests in a domain name. The list includes: (1) using the domain name in connection with a *bona fide* offering of goods and services; (2) being commonly known by the domain name; or (3) making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers. Policy, paragraphs 4(c)(i) – (iii).

A complainant must show a *prima facie* case that a respondent lacks rights or legitimate interests in a disputed domain name, after which the burden of production passes to the respondent. See, e.g., [WIPO Overview 3.0](#), section 2.1. The absence of rights or legitimate interests is established if a complainant makes out a *prima facie* case and the respondent enters no response. See *id.*

Complainant has provided credible evidence demonstrating that the website to which the disputed domain name routes displays Complainant's trademarked logo. The Panel accepts the Complaint's undisputed allegations that Respondent has no relevant trademark rights and has no authorization or license to use Complainant's trademarks in the disputed domain name, or to display Complainant's trademarked logo. Although Complainant does not address the question, it appears that Respondent is not commonly known by the disputed domain name, and the Panel so finds.

In the absence of a reply from Respondent, the Panel also accepts Complainant's undisputed allegations that the products offered on the website are counterfeit or are not genuine products of Complainant. Since

Respondent's website does not route Internet users to authorized products associated with the CAMCO marks, the Panel further concludes that there is no *bona fide* use.<sup>2</sup>

Respondent has refrained from opposing the evidence of fraud, impersonation and illegal copying provided by Complainant, and the Panel finds that the disputed domain name has been used for such illegal activities. UDRP Panels have categorically held that the use of a domain name for illegal activity can never confer rights or legitimate interests in a respondent. *E.g.*, [WIPO Overview 3.0](#), sections 2.13.1 and 2.13.2.

In light of the evidence and allegations submitted by Complainant, the Panel holds that Respondent is not making a legitimate or fair use of the disputed domain name and that Complainant establishes a *prima facie* case. Respondent has not opposed or rebutted that *prima facie* case. The Panel also holds that Respondent lacks rights or legitimate interests in the disputed domain name on the grounds that Respondent's use of the disputed domain name falsely suggests that Respondent is affiliated with Complainant, the trademark owner. [WIPO Overview 3.0](#), section 2.5.

Therefore, the second element of Policy paragraph 4(a) is established.

### **C. Registered and Used in Bad Faith**

The Panel finds that the third element of paragraph 4(a) of the Policy, bad faith registration and bad faith use, is also established.

Using a domain name to intentionally attract Internet users, for commercial gain, by creating a likelihood of confusion, may be evidence of bad faith. Policy, paragraph 4(b)(iv). See, *e.g.*, *L'Oréal, Biotherm, Lancôme Parfums et Beauté & Cie v. Unasi, Inc*, WIPO Case No. [D2005-0623](#).

The record shows that Respondent registered the disputed domain long after Complainant perfected its trademark rights. The composition of the disputed domain name and its use to direct Internet users to a website designed to falsely represent Complainant's online operations make obvious that Respondent knew the nature of Complainant's business associated with its trademarks and targeted Complainant.

The Panel finds that Respondent deliberately attempted to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with Complainant's marks. This is evidence of bad faith registration and bad faith use. Policy paragraph 4(b)(iv).

Complainant has also submitted evidence that Respondent misrepresents its website as related to Complainant's operations, in part by wholly incorporating the CAMCO trademarks in the disputed domain name and by copying Complainant's registered logo. From this, the Panel infers that Respondent registered the disputed domain name to sell products in competition with Complainant and to disrupt Complainant's business. This also supports a finding of bad faith under Policy paragraph 4(b)(iii).

Respondent's failure to submit a response to the Complaint and the failure to provide accurate contact details as required by the Registrar are further evidence of use in bad faith.<sup>3</sup> [WIPO Overview 3.0](#), section 3.3; and *Telstra Corp. Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

The Panel holds therefore that Respondent registered and is using the disputed domain name in bad faith, thus, establishing the third element under paragraph 4(a) of the Policy.

---

<sup>2</sup> Even if the products offered via the website to which the disputed domain name routes were genuine products of Complainant, the website at the disputed domain name would not qualify for fair use since the website misleads Internet users by failing to disclose its lack of a relationship with Complainant, the trademark owner. *E.g.*, *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#); and WIPO Overview 3.0, sections 2.5 & 2.8.

<sup>3</sup>Notification of the Complaint to Respondent by courier was not possible using the registrant address details provided by Respondent.

## 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, <onlinecamco.com>, be transferred to Complainant.

*/Jeffrey D. Steinhardt/*

**Jeffrey D. Steinhardt**

Sole Panelist

Date: June 9, 2023