

ADMINISTRATIVE PANEL DECISION

Chargepoint, Inc v. li hong
Case No. D2023-2706

1. The Parties

Complainant is Chargepoint, Inc, United States of America (“United States”), represented by ZeroFox, United States.

Respondent is li hong, United States.

2. The Domain Name and Registrar

The disputed domain name <chptrent.com> (the “Domain Name”) is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 22, 2023. On June 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 27, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted For Privacy) and contact information in the Complaint. The Center sent an email to Complainant on July 8, 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 July 20, 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 July 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 10, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 11, 2023.

The Center appointed Robert A. Badgley as the sole panelist in this matter on September 1, 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 describes itself as “an American electric vehicle infrastructure company.” According to Complainant, it “operates the largest network of independently owned EV charging stations operating in 14 countries and makes the technology used in it.” Complainant provides its services under the trademark CHARGEPOINT, an allegedly “internationally recognized brand.”

Complainant holds a registered trademark for CHARGEPOINT with the United States Patent and Trademark Office, Reg. No. 5,040,652, registered on September 13, 2016 in connection with, among other things, “Electrical outlets; electrical charging stations for charging electric vehicles; communications networks for monitoring and managing electrical charging stations”, with a July 2012 date of first use in commerce.

In addition, Complainant’s stock market ticker symbol is CHPT.

Complainant’s main website is at the domain name <chargepoint.com>. At this site, Complainant’s customers may log in to their account for various purposes.

The Domain Name was registered on May 5, 2023. The Domain Name resolved to a website featuring a color and graphic scheme similar to Complainant’s website, including a unique pattern of light blue plus and minus signs (+ and -). Respondent’s website invited visitors to “log in” with their password and other personal information. According to Complainant, Respondent’s site is an “impersonation of a Chargepoint login page, including displaying [its] trademarked logo,” and that the site is a “phishing page which impersonates [Complainant’s] login page.”

Respondent has not disputed any of the foregoing contentions.

5. Parties’ Contentions

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

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel concludes that Complainant has rights in the trademark CHARGEPOINT through registration and use demonstrated in the record. The Panel also concludes that the Domain Name is confusingly similar to that mark. The Panel accepts Complainant’s assertion that “CHPT” may serve as an abbreviation for “CHARGEPOINT.” The additional word “rent” does not overcome the confusing similarity between the mark and the Domain Name.

The Panel also notes that the use to which Respondent is putting the Domain Name – as a website impersonating Complainant’s legitimate website – demonstrates that Respondent certainly believes that the Domain Name is confusingly similar to the CHARGEPOINT mark.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

For the Domain Name, pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in connection with the Domain Name. On this undisputed record, it is apparent that Respondent targeted Complainant and its CHARGEPOINT trademark (and targeted Complainant’s stock ticker symbol) in order to set up a fake website impersonating Complainant and thereby run a phishing scam on unwitting consumers looking for Complainant’s site. This is obviously not a legitimate use of the Domain Name.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

For the Domain Name, paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the “Rights or Legitimate Interests” section. As discussed above, on this record, the Panel finds that Respondent clearly targeted Complainant’s mark when registering the Domain Name, and sought to create a false impression of affiliation with Complainant in order to run a phishing scam. This constitutes bad faith use within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <chptrent.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: September 15, 2023