The complaint was filed with CPR on February 5, 2002 and, after review for administrative compliance, served on the Respondent on February 5, 2002. The Respondent did not file a Response before February 25, 2002. I was appointed Arbitrator pursuant to the Uniform Domain Name Dispute Resolution Policy (“UDRP”) and Rules promulgated by the Internet Corporation for Domain Names and Numbers (ICANN). Upon the written submitted record including the Complaint, I find as follows:

**IDENTITY/CONFUSING SIMILARITY:** Complainant allegations that “epoxylite.com” is identical or confusingly similar to Complainant’s trademarks, EPOXYLITE and EPOXYLITE, which applies to resin products for the transformer and electronics industries.

Complainant has submitted evidence that it owns United States Registration No. 777,198 for EPOXYLITE, which mark was first registered in 1964, and United States Registration No. 777,171 for EPOXYLITE, which mark was first registered in 1964.

I therefore conclude that the registered domain name is identical or confusingly similar to Complainant’s protected mark.

**RIGHTS AND LEGITIMATE INTERESTS:** Complainant alleges that Respondent has no rights or legitimate interests with
respect to the domain name at issue. In support for this allegation, Complainant notes that it was the previous registrant for this

UDRP Paragraph 4(c) provides that Respondent’s rights or legitimate interests in a domain name may be demonstrated, without
limitation, by showing that (a) before notice to Respondent of the dispute, Respondent has used, or made 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 (b) Respondent has been commonly known by the domain name; or (c) Respondent is making 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.

Even if it is demonstrated the Complainant’s right on the domain name at issue and that the Respondent has no historical or
trademark entitlement or connection to the trademark EPOXYLITE, after having personally visited the site
at www.epoxylyte.com I find that the documents disclosed by the Complainant are not sufficient to evidence that the
Respondent has no rights or legitimate interests in respect of the domain name at issue. I find that the activity undertaken by the
Respondent on the site www.epoxylite.com shows a fair use of the domain name without intent for commercial gain to
misleadingly divert consumers or to tarnish the trademark EPOXYLITE.

I therefore conclude that Respondent does have rights or legitimate interests with respect to the domain name at issue.

BAD FAITH: In support of the contention of Respondent’s bad faith registration and use, Complainant notes only that there is
no correlation between the domain name “epoxylite.com” and the contents of the Respondent’s web page.

Paragraph 4(b) of the UDRP provides that indications of bad faith include, without limitation, (a) registration for the purposes
of selling, renting or transferring the domain name to the Complainant for value in excess of Respondent’s cost; (b) a pattern of
registration in order to prevent Complainant from reflecting the mark in a corresponding domain name; (c) registration for the
primary purpose of disrupting the business of a competitor; or (d) an intentional attempt to attract, for commercial gain, Internet
users to Respondent’s web site by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship,
affiliation or endorsement of Respondent’s web site or location, or of a product or service on Respondent’s web site or location.

Bearing in mind that the indications of bad faith described by Paragraph 4(b) of the UDRP are not exhaustive and therefore
Complainant could provide other evidences of the bad faith, nevertheless I do not agree with the assumption of the Complainant
that the mere lack of correlation between the domain name and the contents of the Respondent’s web page is evidence of either
the bad faith in registering and in using the domain name.

I therefore conclude that Respondent did not register and use the domain name in bad faith, as that term is defined in the
ICANN Policy.

CONCLUSION

In light of my findings above that (a) the registered domain name is identical or confusingly similar to Complainant’s protected
mark; (b) Respondent does have rights or legitimate interests with respect to the domain name at issue; and (c) Respondent did
not register and use the domain name in bad faith, as that term is defined in the ICANN Policy, I find in favor of the
Respondent.

REMEDY

Complainant’s request to transfer the domain name “epoxylite.com” is hereby DENIED.