

ADMINISTRATIVE PANEL DECISION

Chevron Corporation and Chevron Intellectual Property LLC v. Privacy Service Provided by Withheld for Privacy ehf / victory solomon
Case No. D2022-2618

1. The Parties

The Complainants are Chevron Corporation (“Complainant 1”), United States of America, and Chevron Intellectual Property LLC (“Complainant 2”), United States of America, represented by Demys Limited, United Kingdom.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / victory solomon, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <chevronco.com> (the “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 July 18, 2022. On July 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 19, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on July 21, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 21, 2022.

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 the Respondent of the Complaint, and the proceedings commenced on July 26, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 15, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 17, 2022.

The Center appointed Gregor Vos as the sole panelist in this matter on August 25, 2022. 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

The Complainants are part of a multinational energy and technology company. Complainant 1 is primarily engaged in the oil and gas industry, including the production and distribution of chemicals and the development of alternative energy sources and renewable fuels. Complainant 1 operates in the world's major oil and gas regions and is the second largest energy company in the United States of America. Complainant 1 was founded in 1879, is currently active in over 180 countries and operates brands including Chevron, Texaco and Caltex.

Complainant 2 is the intellectual property holding company of the Complainants' group and is the owner of *inter alia* the following trademark registrations (hereinafter jointly referred to as the "Trademarks"):

- United States registration No. 0364683 for CHEVRON registered on February 14, 1939; and
- United Kingdom registration No. UK00000638572 for CHEVRON registered on July 12, 1945; and
- European Union Trade Mark No. 000095745 for CHEVRON registered on March 8, 1999.

Further, it is undisputed that the Complainants operate *inter alia* the domain name <chevron.com>.

The Domain Name was registered on May 30, 2022 and at the time of the filing of the complaint and currently is inactive.

5. Parties' Contentions

A. Complainant

With the Complaint, the Complainants seek that the Domain Name is transferred to Complainant 2. The Complaint is based on the following factual and legal grounds: the Domain Name is identical or confusingly similar to the Trademarks of Complainant 2, the Respondent has no rights or legitimate interests in the Domain Name, and the Domain Name has been registered and is being used in bad faith.

Firstly, according to the Complainants, the Domain Name is confusingly similar to its Trademarks. The Domain Name incorporates the Trademarks entirely with the mere addition of the generic and non-distinguishing term "co" and the generic Top-Level Domain ("gTLD") ".com", which does not prevent a likelihood of confusion.

Secondly, according to the Complainants, the Respondent has no rights or legitimate interests in the Domain Name. The Respondent has never received a license or any other form of authorization from the Complainants to use the Trademarks, has no prior rights to the Domain Name or to the signs CHEVRON or CHEVRON CO. Also, the Domain Name previously resolved to a website that purported to be the Complainants' website. Further, the Respondent cannot derive any rights or legitimate interests through the current passive holding of the Domain Name.

Finally, according to the Complainants, the Respondent has registered and is using the Domain Name in bad faith. In light of the well-known character of the Trademarks of Complainant 2, it is inconceivable that the Respondent registered the Domain Name without knowledge of the Complainants and the Trademarks of Complainant 2. Also, according to the Complainants, the Domain Name is being used in bad faith. The current passive holding of the Domain Name does not preclude a finding of bad faith. The fact that the website to which the Domain Name resolved purported to be the Complainants' website further contributes to a finding of bad faith. Also, in light of the strong reputation of the Trademarks of Complainant 2, it is inconceivable that the Domain Name is being used in good faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

In view of the lack of a response filed by the Respondent as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(f), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding on the basis of the Complainants' undisputed factual presentations.

For the Complainants to succeed, they must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

- i. the Domain Name is identical or confusingly similar to a trademark or a service mark in which the Complainants have rights;
- ii. the 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.

Only if all three elements have been fulfilled, the Panel is able to grant the remedy requested by the Complainants. The Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainants to show that the Domain Name is (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainants have rights.

With respect to having rights pursuant to paragraph 4(a)(i) of the Policy, it is noted that Complainant 2 is registered as the owner of the Trademarks. Consequently, the Panel finds that the Complainants have proven that they have rights in the Trademarks.

With regard to the assessment of identity or confusing similarity of the Domain Name with the Trademarks, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Trademarks and the Domain Name (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark (see section 1.7 of the [WIPO Overview 3.0](#)).

In the present case, the Trademarks are incorporated in their entirety in the Domain Name. The addition of the term “co” and the gTLD “.com” does not prevent a finding of confusing similarity with the Trademarks (see sections 1.7 and 1.11.1 of the [WIPO Overview 3.0](#)). Consequently, the Panel finds that the requirement under paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainants must prove is that the Respondent has no rights or legitimate interests in the Domain Name. The onus of proving this requirement, like each element, falls on the Complainant. Given the difficulty in proving a negative, however, it is usually sufficient for a complainant to make out a *prima facie* case that a respondent lacks rights or legitimate interests. If a complainant does establish a *prima facie* case, the burden of production shifts to the respondent (see, e.g. [WIPO Overview 3.0](#), section 2.1; *Sanofi v. Cimpress Schweiz GmbH*, WIPO Case No. [D2017-0522](#)).

Paragraph 4(c) of the Policy lists three non-limitative examples of instances in which a respondent may establish rights or legitimate interests in the disputed domain name.

The Complainants have substantiated that none of these circumstances apply in this case. By defaulting, the Respondent has failed to rebut the *prima facie* case established by the Complainants. Furthermore, based on the record before it, the Panel does not see an indication that any of the circumstances of paragraph 4(c) of the Policy is present.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name. Paragraph 4(a)(ii) is thereby fulfilled.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, a complainant must show that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy lists four non-limitative circumstances which may be considered as evidence of registration and use in bad faith of a domain name.

In the present case, the Trademarks are registered by the Complainants and have been used for many years. The Complainants’ rights to the Trademarks predate the registration date of the Domain Name. In light of the well-known character and the worldwide reputation of the Trademarks, the Panel agrees with the Complainants that it is not conceivable that the Respondent chose the Domain Name without knowledge of the Complainants’ activities and their Trademarks under which the Complainants are doing business. The well-known character of the Trademarks of the Complainants has been confirmed by earlier UDRP panels (see e.g. *Chevron Corporation and Chevron Intellectual Property LLC v. Privacy Service Provided by Withheld for Privacy ehf / gabriel levy*, WIPO Case No. [D2022-2616](#); *Chevron Intellectual Property LLC v. Mohammadali Mokhtari, Mohammad Ali Mokhtari*, WIPO Case No. [DIR2020-0017](#)).

Further, it is generally accepted by UDRP panels that the non-use of a domain name does not prevent a finding of bad faith (section 3.3 of the [WIPO Overview 3.0](#)). In light of the reputation of the Trademarks, the lack of any rights or legitimate interest in the Domain Name by the Respondent, and in the absence of any conceivable good faith use of the Domain Name, the Panel finds from the present circumstances that the Respondent has intentionally sought to take unfair advantage of or otherwise abuse the Trademarks. This is reinforced by the strong reputation of the Complainants’ Trademarks, as referenced above.

In addition, prior to filing the Complaint, the Domain Name resolved to an active website on which the Complainant’s Trademarks were depicted. The website also referred to itself as “Chevron Corporation”, which is the tradename of Complainant 1, without providing any disclaimers to make the non-existent relationship between the Complainants and the Respondent clear.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith and that the third element of paragraph 4(a)(iii) of the Policy is fulfilled.

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 <chevronco.com> be transferred to Complainant 2.

/Gregor Vos/

Gregor Vos

Sole Panelist

Date: September 15, 2022