

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc. v. mengchao
Case No. D2023-0035

1. The Parties

The Complainant is Halliburton Energy Services, Inc., United States of America ("United States"), represented by Polsinelli PC Law firm, United States.

The Respondent is mengchao, China.

2. The Domain Name and Registrar

The disputed domain name <haliiburton.com> is registered with Alibaba.com Singapore E-Commerce Private Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 4, 2023. On January 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on January 9, 2023, 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 amendment to the Complaint on January 9, 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 the Respondent of the Complaint, and the proceedings commenced on January 12, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 1, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 6, 2023.

The Center appointed Alistair Payne as the sole panelist in this matter on February 11, 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

The Complainant is one of the world's largest providers of products and services to the energy industry. It has more than 40,000 employees, representing 130 nationalities, and operations in approximately 70 countries and revenues in 2021 of USD 15.2 billion. It owns registered trade marks for HALLIBURTON in many countries including in the United States under trade mark registration number 2575819 registered on June 4, 2002. Its official website is operated at the domain name <halliburton.com>.

The disputed domain name was registered on June 27, 2021 and at the time of filing the Complaint, it resolved to a website which contains links to gambling websites and pornographic adult content websites. At the time of the decision, it no longer resolves to an active website.

5. Parties' Contentions

A. Complainant

The Complainant submits that it owns registered trade mark rights as set out above for its HALLIBURTON trade mark and that the disputed domain name is confusingly similar to the Complainant's HALLIBURTON mark as it differs only by the omission of the letter "l" to the HALLIBURTON mark and the addition of a letter "i". These changes do not dispel the confusing similarity of the marks according to the Complainant who says that this is a case of typosquatting.

The Complainant submits that by registering a domain name that is confusingly similar to the Complainant's well known HALLIBURTON mark, it is quite clear that the Respondent acquired it for the sole purpose of exploiting the Complainant's rights, title, interest and goodwill in the HALLIBURTON mark. The Complainant says that there is no evidence that the Respondent's use of the disputed domain name is in connection with a *bona fide* offering of goods or services, or that it has been known by the disputed domain name, or that the Respondent is making any legitimate noncommercial or fair use of it. In fact, says the Complainant, the evidence reflects only the Respondent's intentional *male fide* use of the disputed domain name in an attempt to profit from and to exploit the Complainant's HALLIBURTON mark.

The Complainant asserts that it is clear from the relevant circumstances that the Respondent was well aware of the Complainant and had the Complainant's HALLIBURTON mark firmly in mind when registering the disputed domain name and that intentionally adding or deleting a letter or two, or transposing letters in, a valid mark of another in one's domain name amounts to "typosquatting" and is presumptive evidence of bad faith in registration and use of a disputed domain name. See *TPI Holdings, Inc. v. LaPorte Holdings*, WIPO Case No. [D2006-0235](#).

The Complainant submits that a cursory Internet search would have disclosed the HALLIBURTON mark and its extensive use by the Complainant. Additionally, the website to which the disputed domain name resolves features links to gambling websites and sexually explicit pornographic content. The promotion and direction of unsuspecting Internet users to adult content, says the Complainant, constitutes evidence of bad faith registration and use of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated that it owns United States trade marks under trade mark registration number 2575819 registered on June 4, 2002. The disputed domain name is confusingly similar to the Complainant's HALLIBURTON mark as it differs only by the omission of the letter "l" and the addition of a letter "i" to the HALLIBURTON mark. These changes do not dispel the confusing similarity of the disputed domain name in which the Complainant's registered trade mark is recognizable.

Accordingly, the Panel finds that the Complaint succeeds under this element of the Policy.

B. Rights or Legitimate Interests

The Complainant has submitted that the Respondent obviously chose to register the disputed domain name based upon the Complainant's HALLIBURTON mark in order to exploit the goodwill attaching to it. The Complainant has submitted that there is no evidence that the Respondent's use of the disputed domain name is in connection with a *bona fide* offering of goods or services or that the Respondent has been known by the disputed domain name. The Complainant has also submitted that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name. It has also submitted that using the disputed domain name to divert Internet users to a website with links to gambling and pornographic websites is evidence of the Respondent's intentional bad faith use of the disputed domain name in an attempt to profit from and exploit the Complainant's HALLIBURTON mark which is inconsistent with the Respondent having any rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has made out a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has failed to respond to or to rebut the Complainant's case and for these reasons and for the reasons set out under Part C below, the Panel finds that the Complaint also succeeds under this element of the Policy.

C. Registered and Used in Bad Faith

The Respondent registered the disputed domain name on June 27, 2021, which is many years after the date on which the Complainant registered its trade mark in the United States. The Complainant's HALLIBURTON mark is very distinctive and has developed a substantial reputation based on its use for decades by the Complainant, a publicly listed company operating internationally in the energy industry. The disputed domain name differs from the Complainant's trade mark only by a misspelling and looks and sounds almost identical to the Complainant's mark. The Complainant operates its main website at "www.halliburton.com" and it appears to the Panel more likely than not that the Respondent chose the disputed domain name purposefully to mimic the Complainant's mark and to divert Internet users seeking the Complainant's website which amounts to typo squatting and is evidence of bad faith registration.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

The website to which the disputed domain name resolves features links to gambling sites and pornographic material which is clearly commercial in nature. It is apparent that this is a classic typo squatting case in which the Respondent has sought to use a domain name that almost mimics the Complainant's registered trade mark in order to confuse Internet users and to divert them to another website for its own commercial gain. This conduct falls squarely within paragraph 4(b)(iv) of the Policy and is evidence of registration and use of the disputed domain name in bad faith.

As the Panel finds that the disputed domain name has both been registered and used in bad faith, the Complaint also succeeds under this element 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 <haliiburton.com> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: February 25, 2023