

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Frank Crown
Case No. D2023-1178

1. The Parties

The Complainant is Equinor ASA, Norway, represented by Valea AB, Sweden.

The Respondent is Frank Crown, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <equinorasa-investment.org> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 16, 2023. On March 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 20, 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 March 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 the Respondent of the Complaint, and the proceedings commenced on March 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 11, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 13, 2023.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on April 20, 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 Equinor ASA, a Norwegian Corporation (formerly known as Statoil ASA), a broad international energy company with operations in more than 30 countries around the world developing oil, gas, wind and solar energy.

The Complainant owns numerous trademark registrations for EQUINOR all over the world, including the following:

- European Union Registration No. 017900772, for EQUINOR, registered on January 18, 2019;
- Norway Registration No. 298813, for EQUINOR, registered on June 12, 2018;
- International Registration No. 1444675, for EQUINOR, registered on July 4, 2018;
- United States of America Registration No. 6,436,681, for EQUINOR, registered on August 3, 2021.

The Complainant is also the owner of more than 100 domain name registrations throughout the world containing the EQUINOR mark distributed among generic Top-Level Domains (“gTLD”) and country code Top-Level Domains (“ccTLDs”), like <equinor-asa.com>.

The disputed domain name was registered on March 15, 2023, and resolves to an inactive website.

5. Parties’ Contentions

A. Complainant

The Complainant argues that the disputed domain name is confusingly similar to the Complainant’s trademark EQUINOR as it incorporates the entire trademark and also the Norwegian company abbreviation “asa”, in addition to the word “investment”. According to the Complainant, the Respondent has chosen the disputed domain name knowing that the Complainant’s legal company abbreviation is “ASA” and that it provides information to investors on its website.

In addition, the Complainant mentions that the Respondent has no rights to or legitimate interests in respect of the disputed domain name based on the Complainant’s prior use of its trademark EQUINOR and company name “Equinor” and that the Respondent is not affiliated or related to the Complainant in any way.

The Complainant alleges that the Respondent is not using the disputed domain name in connection with any legitimate noncommercial or fair use and that it is not known by the disputed domain name.

Also, the Complainant says that the Respondent registered and is using the disputed domain name in bad faith to attract Internet traffic for commercial gain, by creating a likelihood of confusion with the Complainant’s trademark, since:

- the Complainant’s trademark is well-known and distinctive;
- the Respondent used a privacy service to hide its identity;
- the disputed domain name does not resolve to any active website;
- The MX-records has been activated for the disputed domain name, which means that it can be used to potentially send out phishing emails to harm the Complainant.

Finally, the Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

As per paragraph 4(a) of the Policy, the Complainant must prove that:

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

A. Identical or Confusingly Similar

The evidence presented demonstrates that the Complainant is the owner of the trademark EQUINOR.

The disputed domain name comprises the Complainant's trademark EQUINOR in its entirety. As numerous prior UDRP panels have recognized, the incorporation of a trademark in its entirety or a dominant feature of a trademark is sufficient to establish that a domain name is identical or confusingly similar to the Complainant's mark. See section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The addition of the terms "asa" and "investment" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark, since the registered trademark EQUINOR is indeed recognizable within the disputed domain name.

It is the general view among UDRP panels that the addition of merely dictionary, descriptive or geographical words to a trademark in a domain name does not prevent a finding of confusing similarity under the first element of the UDRP ([WIPO Overview 3.0](#), section 1.8).

The Panel finds that paragraph 4(a)(i) of the Policy has been proved by the Complainant, *i.e.*, the disputed domain name is confusingly similar to the Complainant's trademark.

B. Rights or Legitimate Interests

The Respondent has not submitted a response to the Complaint.

There is no evidence that the Respondent has any authorization to use the Complainant's trademark or to register domain names containing the trademark EQUINOR.

There is no evidence that the Respondent is commonly known by the disputed domain name.

There is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, or that before any notice of the present dispute the Respondent has made use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services.

Moreover, the construction of the disputed domain name itself is such to carry a risk of implied affiliation that cannot constitute fair use.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(ii) of the Policy has been satisfied, *i.e.* the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The trademark EQUINOR is registered by the Complainant in several different jurisdictions. The disputed domain name is comprised by the trademark EQUINOR in its entirety, with the addition of the Norwegian company abbreviation “ASA” and the descriptive term “investment”, and the Complainant’s worldwide trademark registrations for EQUINOR predate the registration date of the disputed domain name.

The Respondent has no rights or legitimate interests in the disputed domain name.

The Complainants’ EQUINOR trademark is widely known. UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#). The Complaint demonstrates that there is no other reason for the use and registration of the disputed domain name than to take advantage of the Complainant’s trademarks, with the intent to deceive Internet users. The Respondent obviously knew of the Complainant’s mark when it registered the disputed domain name.

Although the disputed domain name does not actually resolve to an active website, considering the circumstances of the case, this non-use would not prevent a finding of bad faith under the doctrine of passive holding. See section 3.3 of the [WIPO Overview 3.0](#).

According to the panel’s decision in *The Argento Wine Company Limited v. Argento Beijing Trading Company*, WIPO Case No. [D2009-0610](#), “[...] the failure of the Respondent to respond to the Complaint further supports an inference of bad faith”.

Further, the Complaint demonstrates that the MX-records has been activated for the disputed domain name, which means that it can be used to potentially send out phishing emails. In the Panel’s opinion, this further supports a finding of bad faith.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(iii) of the Policy has been satisfied, *i.e.*, the disputed domain name has been registered and is being used in bad faith.

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, <equinorasa-investment.org> be transferred to the Complainant.

/Mario Soerensen Garcia/

Mario Soerensen Garcia

Sole Panelist

Date: May 4, 2023