

ADMINISTRATIVE PANEL DECISION

Chevron Corporation and Chevron Intellectual Property LLC v. Renee Hamza, Blue Tech
Case No. D2023-1522

1. The Parties

The Complainants are Chevron Corporation ("First Complainant"), United States of America ("United States") and Chevron Intellectual Property LLC ("Second Complainant"), United States, represented by Demys Limited, United Kingdom.

The Respondent is Renee Hamza, Blue Tech, Switzerland.

2. The Domain Name and Registrar

The disputed domain name <chevron-vend.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 6, 2023. On April 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 7, 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 (GDPR Masked) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 11, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on April 13, 2023.

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 April 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 16, 2023.

The Center appointed Mladen Vukmir as the sole panelist in this matter on June 13, 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 Panel has determined the following non-contested facts:

- (i) The First Complainant is a multinational energy and technology company headquartered in California, United States. It is primarily engaged in the oil and gas industry, including the production and distribution of chemicals, the development of alternative energy sources and renewable fuels. The Second Complainant is the Complainants' group's intellectual property holding company, incorporated in California, United States.
- (ii) The Second Complainant is the owner of a portfolio of registered CHEVRON trademarks ("CHEVRON Trademarks")

Trademark	Trademark Scope	Reg. no. / Status	Date of registration
CHEVRON	United States	364683 /registered	February 14, 1939
CHEVRON	United Kingdom	UK0000063 8572/ registered	July 12, 1945
CHEVRON	European Union	000095745/ registered	March 8, 1999
CHEVRON (figurative)	European Union	015759095/ registered	December 30, 2016

- (iii) The Complainants operate an official website at "www.chevron.com";
- (iv) The Respondent is the registrant of the disputed domain name, as disclosed by the Registrar;
- (v) The disputed domain name was registered on February 19, 2023. It resolved to an active website impersonating the Complainants' website and featuring the CHEVRON Trademarks, while at the time of filing the Complaint the disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainants

The Complainants state that:

- (i) The First Complainant was founded in 1879, is currently active in 180 countries, and operates (as well as its subsidiaries), under trade names incorporating "Chevron". It operates in the world's major oil and gas regions, is the second largest energy company in the United States, offers investments opportunities to its shareholders, as its shares are traded on Nasdaq, the second-largest stock exchange in the world. In 2022, the First Complainant was ranked as the 26-th largest public company in the world in Forbes' Global 2000 list. The First Complainant is well known by word "Chevron", and the Complainants' CHEVRON brand is well known around the world;

- (ii) When the disputed domain name came to the Complainants' attention, it resolved to an active website, impersonating the Complainants' website. The Respondent's website largely copied the look of the Complainants' website and incorporated the Complainants' CHEVRON Trademarks on the top of the page. The Respondent referred to itself on the website and within the HTML title tag as "Chevron Corporation". The website did not contain any disclaimers. The Respondent's initial website also incorporated references of the Complainants' direct competitor in the energy and oil industry. At the time of submission of the Complaint the disputed domain name did not resolve to an active website;
- (iii) The disputed domain name incorporates the Complainant's CHEVRON Trademark in its entirety, differing only by the addition of the generic word "vend"-a synonym for generic English term "sell"-is therefore strongly associated with the Complainants and their sales activities. The disputed domain name is confusingly similar to CHEVRON Trademark;
- (iv) The Respondent does not have any rights or legitimate interests in the disputed domain name. The Respondent has not been commonly known as "chevron" or "chevron-vend" prior to or after the registration of the disputed domain name. The Respondent is not a licensee of the Complainants and has not received any permission or consent from the Complainants to use their CHEVRON Trademark. The Complainants have observed that the disputed domain name initially resolved to a website that purported to be the Complainants' own website. The Complainants contend that no such misleading and confusing use could relate to a genuine *bona fide* offering of goods and services, and such use could not grant the Respondent a legitimate interest in the disputed domain name. The Respondent registered and is using the disputed domain name to profit from the Complainants' well-known mark, combined with a generic, descriptive word that closely describes the Complainants' activities. The disputed domain name at the time of filing the Complaint does not resolve to an active website, which constitutes passive holding;
- (v) The disputed domain name was registered and is being used in bad faith. Given that the Complainants' marks are well known, the Complainants believe that it is inconceivable that the Respondent did not have the Complainants firmly in mind when acquired the disputed domain name. The Respondent's initial website largely copied the look of the Complainants' website. The Respondent described itself also as "Chevron Corporation". The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainants' CHEVRON Trademark. The disputed domain name further invited users to visit a commercial, third-party website that appears to be operated by a direct competitor of the Complainants. The disputed domain name is configured with MX records and is therefore capable of email communication and since the disputed domain name is confusingly similar to the Complainant's CHEVRON Trademarks, anyone receiving an email originating from the disputed domain name would reasonably assume that it was sent by the Complainants.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Procedural Issue - Consolidation of Complainants

Affiliated companies have standing to file complaint under the Policy, as prescribed in section 1.4.1. of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

According to section 4.11.1. of the [WIPO Overview 3.0](#), in assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have

a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.

The Complaint was filed by two Complainants. Both Complainants belong to the same group of companies. The First Complainant is a multinational energy and technology company, and the Second Complainant is the Complainants' group's intellectual property holding company and holds the registered rights on which is based the Complaint. This Panel finds that the First and the Second Complainant jointly comprising the Complainant have a specific common grievance, and it is equitable and procedurally efficient to allow consolidation in circumstances of this case.

The Panel now proceeds to consider this matter on the merits in light of the Complaint, the lack of the Response, the Policy, the Rules, the Supplemental Rules, and other applicable legal authority pursuant to paragraph 15(a) of the Rules.

Paragraph 4(a) of the Policy provides that the Complainants must prove, with respect to the disputed domain name, each of the following:

- (i) the disputed domain name is confusingly similar to a trademark in which the Complainants have rights; and
- (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

As provided in section 1.2 of the [WIPO Overview 3.0](#), it is generally accepted that ownership of a registered trademark by a complainant is sufficient to satisfy the threshold requirement of having the trademark rights for purposes of standing to file a UDRP case.

The Complainants have submitted sufficient evidence to show that the Second Complainant is the holder of a number of CHEVRON Trademarks registered before the competent authorities worldwide. As such, these trademarks provide the Complainants all the exclusive rights that are granted with such trademark registrations.

It is well established that the threshold test for confusing similarity under the UDRP involves a reasoned but relatively straightforward comparison between the textual components of the relevant trademark and the disputed domain name. In order to satisfy this test, the relevant trademark would generally need to be recognizable as such within the disputed domain name. 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 for purposes of UDRP standing (see section 1.7 of the [WIPO Overview 3.0](#)).

After performing a side-by side comparison of the disputed domain name and the Complainants' CHEVRON Trademarks, it is evident to this Panel that the disputed domain name incorporates the Complainants' CHEVRON Trademark in its entirety. The only difference between the disputed domain name and the Complainants' CHEVRON Trademark is the addition of the term "vend" preceded by a hyphen in the disputed domain name.

Prior UDRP panels have found confusing similarity in a number of cases based on the circumstances involving domain names comprised of a well-known trademark and a descriptive term (section 1.8. of [WIPO Overview 3.0](#)). Where the trademark in question is recognizable within the disputed domain name, the addition of other terms (whether descriptive, etc.) does not prevent a finding of confusing similarity between the disputed domain name and trademark in question. In this particular case, the addition of the term "vend"

does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's CHEVRON Trademark.

Regarding the generic Top-Level Domain ("gTLD"), ".com" in the disputed domain name, as a standard registration requirement, it should be disregarded under the confusing similarity test (section 1.11.1 of [WIPO Overview 3.0](#)).

Therefore, the Panel finds that the disputed domain name is confusingly similar to the Complainant's CHEVRON Trademark under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out a number of circumstances which, without limitation, may be effective for the Respondent to demonstrate that it has the rights to, or legitimate interests in, the disputed domain name, for the purposes of paragraph 4(a)(ii) of the Policy. Those circumstances are:

"(i) Before any notice to [the respondent] of the dispute, [use by the respondent] of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) [Where the respondent] (as an individual, business, or other organization) [has] been commonly known by the domain name, even if [the respondent has] acquired no trademark or service mark rights; or

(iii) [Where the respondent is] 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."

As noted by the previous UDRP panels on the onus of proof under paragraph 4(a)(ii) of the Policy, and as summarized in section 2.1 of the [WIPO Overview 3.0](#): "[...] While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

In the present case, the Complainants have made a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, with the Respondent failing to provide any substantive response to the Complaint which would prove his rights or legitimate interests in the disputed domain name.

Namely, the Complainants have established that they hold of a number of CHEVRON Trademarks in various jurisdictions, as well as that they have used the same trademarks widely on the market. The Complainants submitted sufficient evidence proving extensive and long lasting use of their CHEVRON Trademarks.

The Panel concludes that there is neither any relation, disclosed to the Panel, nor otherwise apparent from the records, between the Respondent and the Complainants, nor does it arise that the Complainants have ever licensed or otherwise permitted the Respondent to use their CHEVRON Trademarks or to apply for or use any domain name incorporating the same trademarks.

Furthermore, there is no evidence that the Respondent has been commonly known by the disputed domain name. Also, there is no evidence in the case file or otherwise apparent to the Panel that the Respondent has been using the disputed domain name in connection with a *bona fide* offering of goods or services or making a legitimate noncommercial or fair use of the disputed domain name. In this regard, the Panel finds that the composition of the disputed domain name, coupled with the use of the disputed domain name to

resolve to a website seemingly impersonating the Complainants and presenting itself as a “Chevron Corporation”, affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainants.

The Respondent has failed to provide any substantive reply to the Complaint and accordingly failed to rebut the Complainants’ *prima facie* showing that the Respondent has no rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the requirements set forth in paragraph 4(a)(ii) of the Policy have been fulfilled by the Complainants’ making the *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, and by the Respondent’s failing to produce any arguments or evidence to the contrary.

C. Registered and Used in Bad Faith

For the purpose of paragraph 4(a)(iii) of the Policy, the following circumstances, in particular, but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of the disputed domain name in bad faith:

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

The Panel accepts the Complainants’ arguments that the Respondent has registered and used the disputed domain name in bad faith.

Previous UDRP panels have found that the incorporation of a well-known trademark in a domain name having no plausible explanation for doing so is in itself an indication of bad faith (see *Intel Corporation v. The Pentium Group*, WIPO Case No. [D2009-0273](#)). This Panel’s view is that the Complainants CHEVRON Trademarks are well known and distinctive, the Complainants have a worldwide reputation, and it is highly unlikely that the Respondent was unaware of the Complainants and their well-known CHEVRON Trademarks when it registered the disputed domain name. Furthermore, the Respondent presents itself as a “Chevron corporation”. The Respondent did not provide any evidence that it has rights and/or legitimate interests in a disputed domain name, nor did it present a credible evidence explaining the choice of the disputed domain name. Based on the evidence submitted by the Complainants, the Panel concludes that the Respondent registered the disputed domain name based on the goodwill and reputation of the Complainants’ CHEVRON Trademarks. It is more likely than not that the Respondent’s motive in relation to the registration and use of the disputed domain name was to take advantage from the Complainants’ well-known trademark rights.

The content of the website created under the disputed domain name gave the impression that it originated from the Complainants, it displayed the Complainants' CHEVRON Trademark and gave the false impression that the website is connected to or operated by the Complainants. Accordingly, Internet users are likely to believe that the disputed domain name is in some way endorsed by the Complainants. The disputed domain name was registered in bad faith reinforcing the likelihood of confusion (section 3.1.4 [WIPO Overview 3.0](#)).

In this Panel's view, the Respondent has registered the disputed domain name to intentionally attract, for commercial gain Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, affiliation or endorsement of the Respondent's website.

The Complainants have proven that the disputed domain name was used to host a website which appeared falsely to be that of the Complainants (sections 3.1.4 and 3.2.1 of [WIPO Overview 3.0](#)).

The Domain Name currently leads to an inactive website. The non-use of a domain name does not prevent a finding of bad faith (section 3.3 of [WIPO Overview 3.0](#)).

Given the above, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith, and that the Complainant has fulfilled the third element under paragraph 4(a)(iii) 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, <chevron-vend.com>, be transferred to the Second Complainant.

/Mladen Vukmir/

Mladen Vukmir

Sole Panelist

Date: June 27, 2023