

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2023-0820

1. The Parties

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

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <wirelessinternetaccessequinor.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 23, 2023. On February 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 23, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 24, 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 February 24, 2023, naming Carolina Rodrigues as Respondent.

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 February 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 21, 2023.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on April 4, 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 a Norwegian corporation that operates in the field of oil, gas, wind and solar energy resources in 30 countries around the world. Founded in Norway in 1972, the Complainant formerly used the business name STATOIL. In March 2018, the Complainant changed its name and principal trademark to EQUINOR, to reflect the eventual transition of its business away from oil and gas, embracing alternative energy sources such as wind and solar power. The word “equinor” is a coined term, which contains a prefix “equi” to evoke concepts such as equilibrium and equality, along with a second element “nor” which refers to the connection to Norway.

The EQUINOR mark has been registered in more than 30 countries, including:

European Union Trade Mark Registration No. 17900772 dated January 18, 2019;

Mexico Registration No. MP/N02018177 dated March 26, 2020; and

Chile Registration No. 1297409 dated April 1, 2019.

The Complainant also owns more than 100 EQUINOR-formative domain names throughout the world, including <equinor.com>.

The disputed domain name was registered on February 22, 2023, and redirects to a website with pay-per-click advertisements

5. Parties' Contentions

A. Complainant

The Complainant submits that it is the owner of well-established registered rights in the trademark EQUINOR particularly in Europe and in other countries around the world where it carries on various aspects of its energy business. The disputed domain name is confusingly similar to the Complainant's registered trademark as it replicates the entirety of the EQUINOR mark in combination with other ordinary words.

With respect to the absence of rights or legitimate interests, the Complainant asserts that the Respondent has never been authorized to engage in this conduct or to adopt a confusingly similar domain name. It further submits that the Respondent is not making a *bona fide* offering of services but rather is using the disputed domain name to deceive unknowing Internet users through its association with the well-known EQUINOR mark. The Complainant submits that it has put forward clear *prima facie* evidence of the absence of rights or legitimate interests.

With respect to bad faith, the Complainant relies on evidence of the Respondent's adoption of the distinctive EQUINOR mark to establish that the Respondent has deliberately targeted the Complainant's business, to generate Internet traffic for commercial gain. The Complainant notes that the Respondent's current website is a pay-per-click site, which displays links to various services including software to manage remote employees. The Complainant apprehends that the Respondent is also likely to use the disputed domain name to target employees in its IT department for unlawful purposes. Based on this misconduct, the Complainant submits that there is sufficient evidence to support a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

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

A. Identical or Confusingly Similar

The Complainant clearly owns rights in its EQUINOR trademark, established through long-term use and its portfolio of registrations across Europe and internationally where it carries on its business. The Panel notes that the mark EQUINOR - as explained in the Complainant's exhibits - is a distinctive coined term intended to combine the prefix "equi" (which evokes the concepts of equality and equilibrium) along with a reference to "nor" to reflect the company's Norwegian heritage.

The test for confusing similarity is described as a "reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name" in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's well-known registered trademark. The disputed domain name includes the entirety of the distinctive EQUINOR mark with the addition of various terms. These multiple additions do not prevent a finding of confusing similarity under the first element. See *Florida National University, Inc. v. Registration Private, Domains by Proxy, LLC/Toby Schwarzkopf*, WIPO Case No. [D2017-0138](#) and *Sodexo v. Domains by Proxy, LLC, DomainsByProxy.com/ Carolina Rodrigues, Fundacio Comercio Electronico*, WIPO Case No. [D2021-1393](#). The Complainant's trademark is clearly recognizable within the disputed domain name [WIPO Overview 3.0](#), section 1.8.

The Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Although the Policy places on the Complainant the burden of proof to establish the absence of rights or legitimate interests, the practice now recognizes that it is often sufficient for the Complainant to make out a *prima facie* case, which then shifts the burden of production to the Respondent to bring forward evidence to demonstrate the relevant rights or legitimate interests. Where the Respondent fails to produce such evidence to rebut the Complainant's *prima facie* case, the Complainant will be deemed to have satisfied the second element [WIPO Overview 3.0](#), section 2.1.

In this proceeding, the Complainant has provided evidence of the Respondent's misconduct in misappropriating the Complainant's EQUINOR trademark and creating a confusingly similar domain name, for purposes of attracting unsuspecting Internet users. The Respondent is not affiliated or related to the Complainant in any way, and it has never been licensed or authorized to use the EQUINOR mark for any

purpose. The Respondent has never been commonly known by the disputed domain name and has never acquired any trademark rights in that name.

The totality of the evidence is sufficient to establish a *prima facie* case of the absence of rights or legitimate interests on the part of the Respondent.

In the absence of any response from the Respondent, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the disputed domain name constitutes an abusive registration, which is being used in bad faith. The Respondent clearly set out to target the Complainant, to deceive Internet users into believing that its confusingly similar domain name was in fact associated with the Complainant, to thereby, attract Internet traffic for commercial gain, and to prevent the Complainant from reflecting its trademark in a corresponding domain name.

The Panel identifies several aspects of the Respondent's conduct as probative evidence of bad faith:

- (1) the fact that EQUINOR is a well-known trademark and business name, with broad international reputation in multiple countries;
- (2) the fact that EQUINOR is a highly distinctive coined term, specifically developed by the Complainant to reflect its transition to a new business model as well as its Norwegian roots;
- (3) the fact that there is no reason for the Respondent to use EQUINOR as part of its domain name except to trade on the complainant's reputation and thereby to attract Internet users to its confusingly similar domain name for purposes of commercial gain;
- (4) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use.

The Panel also notes that the Respondent appears to operate as a serial cyber-squatter, having been named in more than 80 prior UDRP decisions between 2015 and 2022, in which complaints were upheld against the same Respondent, by virtue of engaging in a pattern of registering and using domain names corresponding with the trademarks of commercial enterprises. See for example: *Pexels GmbH v. Carolina Rodrigues, Fundacio Comercio Electronica*, WIPO Case No. [D2022-4357](#), which includes a comprehensive list of these prior UDRP decisions. Paragraph 4(b)(ii) of the Policy provides that this circumstance will constitute evidence of registration and use of a domain name in bad faith.

Accordingly the Panel finds the Respondent has registered and used the disputed domain name in bad faith 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, <wirelessinternetaccessequinor.com>, be transferred to the Complainant.

/Christopher J. Pibus/

Christopher J. Pibus

Sole Panelist

Date: April 18, 2023