

ADMINISTRATIVE PANEL DECISION

Chevron Corporation and Chevron Intellectual Property LLC v. Shawn Bailey Case No. D2023-3993

1. The Parties

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

Respondent is Shawn Bailey, Canada.

2. The Domain Name and Registrar

The disputed domain name is <chevrontoilltd.com> which is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 25, 2023. On September 25, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 25, 2023, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 Respondent of the Complaint, and the proceedings commenced on October 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 25, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 2, 2023.

The Center appointed Gerardo Saavedra as the sole panelist in this matter on November 8, 2023. This Panel finds that it was properly constituted. This 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

Complainant 1 is a multinational energy and technology company 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 2 is the intellectual property holding company of Complainants' group.

Complainant 2 has rights over the CHEVRON mark for which it holds several mark registrations, such as United States Registration No. 364683, registered on February 14, 1939, in class 4, and European Union Registration No. 000095745, registered on March 8, 1999, in classes 1, 2, 3, 4, 16, 17 and 19.

Complainant 2 also has rights over the CHEVRON and design mark for which it holds European Union Registration No. 015759095, registered on December 30, 2016, in classes 35, 37 and 39.

The disputed domain name was registered on June 23, 2023. Before the Complaint was filed, the website linked to the disputed domain name showed, among others, a logo followed by "Chevron",¹ "CHEVRON OIL: THE FUTURE OF OIL AND GAS", "ABOUT US Chevron Oil and Gas Export Company is a leading global energy company that produces and exports oil and gold. We are committed to providing our customers with reliable and sustainable energy solutions", "MEET OUR TEAM" followed by two photographs and "[...] CEO CHEVRON OIL & GAS", "[...] is the chairman of the board and chief executive officer of Chevron Corporation, one of the world's largest oil and gas companies. He has been with Chevron for over 40 years", "SUBSCRIBE TO OUR NEWSLETTER Enter your email", that same logo followed by "Chevron", "Chevron Oil is a major player in the global energy industry, and the division's work is essential to meeting the world's growing energy needs", "GET IN TOUCH Your Name Your Email Your Subject Your Message SEND MESSAGE", "© 2023 All right reserved by Chevron Oil ltd".

5. Parties' Contentions

A. Complainant

Complainants' assertions may be summarized as follows.

Complainant 1, founded in 1879, is currently active in over 180 countries. In 2022, Complainant 1 was ranked as the 26th-largest public company in the world in Forbes' Global 2000 list. Complainant 2 is the proprietor of a global portfolio of registered marks for CHEVRON, which is well known around the world. Complainants operate official websites at "www.chevron.com" and "www.chevronlubricants.com", among others.

The CHEVRON brand is used in association with approximately 7,000 branded retail gasoline service stations in North America, as well as branded retail and commercial lubricants which are distributed and sold worldwide.

The disputed domain name is confusingly similar to Complainants' CHEVRON mark. The disputed domain name incorporates the CHEVRON mark in its entirety, differing only by the addition of the terms "oil" and "Ltd" (the latter a commonly used abbreviation of "limited") which do nothing to distinguish the disputed domain name from Complainants' marks. Such terms only serve to increase the potential for confusion since Complainants manufacture and distribute CHEVRON branded oils.

Respondent does not have any rights or legitimate interests in the disputed domain name. Respondent is not endorsed by or otherwise associated with Complainants. Respondent has not received any permission

¹ This Panel notes that such logo (including combination of colors) seems identical to that of the CHEVRON and design mark cited above.

or consent from either Complainant to use their mark. Complainants have found no evidence that Respondent has been commonly known as Chevron or Chevron Oil Ltd or ever traded legitimately under said names, or that Respondent owns any marks incorporating such terms.

The nature of the disputed domain name carries a risk of implied affiliation. Complainants offer a wide range of lubricants such as motor oils, and also operate several subsidiaries that are conducting business and holding themselves out to their customers and business partners using "Chevron Oil" in their company names. Thus, the terms "oil" and "Ltd" are within Complainants' field of commerce or indicating services related to the brand.

The website linked to the disputed domain name purports to be operated by or associated with Complainants by displaying the CHEVRON and the CHEVRON and design marks and the photograph and name of the CEO of Complainant 1 falsely indicating that he is also acting as Respondent's CEO (such photo directly taken from Complainants' website), by Respondent presenting itself as "Chevron Oil Ltd" as if it were Complainants' affiliate, and by showing a similar look and feel to Complainants' own corporate style including the colour theme and structure of their website. Further, the website linked to the disputed domain name does not contain any disclaimer or make clear the non-relationship between the Parties. No such misleading and confusing use could relate to a genuine, *bona fide* offering of goods and services, and the use of the disputed domain name to impersonate Complainants' website cannot confer a legitimate interest on Respondent.

The disputed domain name was registered and is being used in bad faith. Given that Complainants' marks are well known, it is inconceivable that Respondent did not have Complainants firmly in mind when it acquired the disputed domain name. The disputed domain name incorporates the CHEVRON mark in its entirety and merely adds the generic terms "oil" and "Ltd", which are further descriptive in respect to Complainants' offer of motor, hydraulic and engine oils. As such, the disputed domain name is, at first glance, confusing to Internet users. Any initial interest confusion is not dispelled upon the arrival of an Internet user on the website associated with the disputed domain name, which is intentionally confusing as well since it has a similar look and feel to Complainants'.

Respondent targeted Complainants to deceive Internet users into believing that the website linked to the disputed domain name is operated by or associated with Complainants.

The website linked to the disputed domain name provides a registration and login portal facility that enables Internet users to input personal data, purporting to be run by Complainants as it prominently displays Complainants' marks above the registry and login form. The use of the disputed domain name to masquerade as a login portal operated by Complainants and to potentially obtain personal information from website visitors in order to gain unauthorized access to accounts or misuse the gained personal information in any other way cannot provide Respondent with a legitimate interest.

The disputed domain name's zone file is configured with Mail eXchanger ("MX") records, and is therefore capable of email communication. Since the disputed domain name is confusingly similar to Complainants' mark and their official website linked to <chevron.com>, anyone receiving an email originating from the disputed domain name would reasonably assume that it was sent by Complainants.

Complainants request that the disputed domain name be transferred to Complainant 2.

B. Respondent

Respondent did not reply to Complainants' contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

As regards having multiple complainants filing a single complaint, although the Policy uses the term “complainant” throughout, it does not preclude the filing of a single complaint by several persons. This Panel considers that it is appropriate to have both Complainant 1 and Complainant 2 as Complainants in this procedure since both belong to the same group and have shown a common grievance against Respondent (see section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)).

The lack of response from Respondent does not automatically result in a favorable decision for Complainants (see *Berlitz Investment Corp. v. Stefan Tinculescu*, WIPO Case No. [D2003-0465](#)). The burden for Complainants, under paragraph 4(a) of the Policy, is to show: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which either Complainant has rights; (ii) that 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

It is undisputed that Complainant 2 has rights over the CHEVRON and the CHEVRON and design marks.

Since the addition of a generic Top-Level Domain (e.g., “.com”) in a domain name is technically required, it is well established that such element may be disregarded when assessing whether a domain name is identical or confusingly similar to a mark. The disputed domain name identically reflects the CHEVRON mark, albeit followed by the characters “oilltd”. It is clear to this Panel that the CHEVRON mark is recognizable in the disputed domain name and that the addition of such characters in the disputed domain name does not avoid a finding of confusing similarity with said mark (see sections 1.7 and 1.8 of the [WIPO Overview 3.0](#)).

Thus, this Panel finds that Complainants have satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Complainants have alleged and Respondent has failed to deny that Respondent has no rights or legitimate interests in respect of the disputed domain name.

There is no evidence in the case file of circumstances of the type specified in paragraph 4(c) of the Policy, or of any other circumstances giving rise to a possible right to or legitimate interest in the disputed domain name by Respondent, but rather the opposite may be validly inferred.

Complainants assert that the website associated with the disputed domain name conveys the false impression that it is operated by or affiliated with Complainants. Complainants provided screenshots of such website, which on their face corroborate Complainants’ assertions. Further, it appears that said website does not show any disclaimer as regards Complainants thus leading Internet visitors to believe that it may be owned by, or at least somehow associated with, Complainants. All that demonstrates neither a *bona fide* offering of goods or services nor a legitimate or fair use of the disputed domain name (see sections 2.1 and 2.5.1 of the [WIPO Overview 3.0](#)).

Based on the aforesaid, this Panel concludes that paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The evidence in the file shows that Respondent deliberately targeted Complainants and their marks. Taking into consideration that the registration and use of Complainants' marks preceded the creation of the disputed domain name, and the content of the website linked to the disputed domain name repeatedly showing the CHEVRON and CHEVRON and design marks, this Panel is of the view that Respondent must have been aware of the existence of Complainants and said marks at the time it obtained the registration of the disputed domain name.

As set forth above, the website associated with the disputed domain name conveys the false impression that it is operated by or somewhat associated with Complainants, and there appears to be no disclaimer disassociating such website from them. It seems to this Panel that in using the disputed domain name Respondent has sought to resemble a Complainants' affiliate or, at least, to create a likelihood of confusion with Complainants and their marks as to the sponsorship, source, affiliation, or endorsement of said website, when in fact there is no such connection. All that is indicative of bad faith.

Such resemblance and likelihood of confusion, the fact that the disputed domain name is configured for email communications, and said website operating a registration facility section which asks for personal contact details, make this Panel consider that the disputed domain name may potentially be used for fraudulent activities.²

In sum, the overall evidence indicates that Respondent's choice of the disputed domain name was deliberate for its confusing similarity with Complainants' names and marks, with the intention to resemble them and most likely pass off as a Complainants' affiliate, for the likely purposes of deceiving third parties or potentially disrupting Complainants' business, which denotes bad faith.

In this Panel's view, the lack of response is also indicative that Respondent lacks arguments and evidence to support its holding of the disputed domain name.

In light of the above, this Panel finds that Complainants have satisfied 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, this Panel orders that the disputed domain name <chevronoilltd.com> be transferred to Complainant 2 (Chevron Intellectual Property LLC).

/Gerardo Saavedra

Gerardo Saavedra

Sole Panelist

Date: November 22, 2023

²See *Arnold Clark Automobiles Limited v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2021-3924](#): "the mere presence of mail servers and SPF records represents a severe risk of phishing or other fraudulent and abusive activities [...] it is rather difficult to imagine that mail server attached to disputed domain name would be used for any good faith purposes". See also *Twitter, Inc. v. Whois Agent, Whois Privacy Protection Service, Inc. / Domain Support*, WIPO Case No. [D2015-1488](#); and section 3.4 of the [WIPO Overview 3.0](#).