

ADMINISTRATIVE PANEL DECISION

**Valero Energy Corporation, Valero Marketing and Supply Company v.
Privacy Service Provided by Withheld for Privacy ehf / Pjdrw Jndft
Case No. D2022-0438**

1. The Parties

The Complainant is Valero Energy Corporation, Valero Marketing and Supply Company, United States of America (“U.S.”), represented by Fasthoff Law Firm PLLC, U.S.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Pjdrw Jndft, U.S.

2. The Domain Name and Registrar

The disputed domain name <valero-corporate.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 8, 2022. On February 9, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. Also on February 9, 2022, 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 February 14, 2022 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 amended Complaint also on February 14, 2022.

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 February 15, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 7, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 9, 2022.

The Center appointed Martin Schwimmer as the sole panelist in this matter on March 9, 2022. 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, collectively, Valero Energy Corporation and Valero Marketing and Supply Company, a wholly owned subsidiary of Valero Energy Corporation. The Complainant owns a number of U.S. trademark registrations for the VALERO trademark, as used as early as February 1983, in connection with oil and gas exploration, production, processing, and distribution services. See U.S. Trademark Registration No. 1,314,004 (registered January 8, 1985). The Complainant also owns the domain name <valero.com> and maintains a website at “www.valero.com”. This website demonstrates the Complainant’s use of the VALERO trademark in relation to various energy-related goods and services.

The Complainant has continuously used the VALERO mark in commerce for at least 35 years and has spent tens of millions of dollars advertising, marketing, and promoting the VALERO mark in the U.S. and throughout the world.

The disputed domain name was registered on January 9, 2022. The disputed domain name currently redirects to the home page of the Complainant at “www.valero.com”. Further, the Complainant provides evidence that the disputed domain name has been used in a phishing scheme to commit fraud.

5. Parties’ Contentions

A. The Complainant

The Complainant alleges that the disputed domain name is confusingly similar to its VALERO trademark. It points out that the disputed domain name is comprised of the VALERO mark in its entirety, adding only the term “corporate”, along with the generic Top-Level Domain (“gTLD”) extension, “.com”.

The Complainant further asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant contends that the Respondent has never been commonly known by the disputed domain name, has not used or made demonstrable preparations to use the disputed domain name, and is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain.

The Complainant indicates that it has not licensed to the Respondent the right to use the VALERO mark and that the Respondent is not otherwise authorized to act on the Complainant’s behalf.

Additionally, the Complainant accuses the Respondent of engaging in a criminal scheme to commit fraud. In support of that contention, the Complainant proffered a communication from a third party alleging that he received an email purporting to have been authored by an employee of the Complainant, and originating from the email address “[...]@valero-corporate.com”.

Finally, with respect to the issue of bad faith registration and use, the Complainant maintains the Respondent must have been aware of the Complainant at the time the disputed domain name was registered but, nevertheless, intentionally registered, for commercial gain, a domain name comprised of the VALERO mark. The Complainant further asserts bad faith use and registration by the Registrant based its alleged criminal activity, and its providing of false contact information to the Registrar.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel determines that, in view of its longstanding use of, and ownership of various registrations covering, the VALERO mark, the Complainant has rights in the mark. See WIPO Overview of WIPO Panel Views of Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 1.2, and cases cited therein.

The disputed domain name is confusingly similar to the VALERO mark as it incorporates the VALERO mark in its entirety, adding only a hyphen and the term "corporate" and the gTLD ".com". These additions do not avoid a finding of confusing similarity. "[...] [I]n 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 [...]." See [WIPO Overview 3.0](#), section 1.7, and cases cited therein.

B. Rights or Legitimate Interests

The Panel finds that the Complainant has met its burden of establishing that the Respondent has no rights or legitimate interests in the disputed domain name. The evidence indicates that the disputed domain name redirects to the Complainant's home page at "www.valero.com" and has moreover been used for fraud, and there is no evidence that the Respondent is commonly known by the disputed domain name. Under such set of facts, none of circumstances set forth in paragraph 4(c) of the Policy is applicable. Moreover, the Respondent has not rebutted any assertions that it is not authorized to use the mark, nor has it rebutted assertions of its use of the disputed domain name for illegal activity (as described above), which use can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.1, and cases cited therein.

C. Registered and Used in Bad Faith

The Panel finds that the disputed domain name was registered and is being used in bad faith.

First, the Complainant has used the VALERO trademark since 1983 and the disputed domain name exactly reproduces the Complainant's mark adding a hyphen and the term "corporate" which indisputably points to the conclusion that the registration of the disputed domain name targeted the Complainant in bad faith. (Even if the Complainant's VALERO mark was not famous (which the Panel finds that it is), the composition of the disputed domain name itself effectively renders moot the questions as to whether the Respondent was aware of the Complainant and its reputation in its mark; see [WIPO Overview 3.0](#), section 3.2.2.)

Second, the Respondent re-directs the disputed domain name to the home page of the Complainant, and has not refuted the contention that it used the disputed domain name to impersonate employees of the Complainant.

Additionally, the Panel makes inferences of bad faith with regard to the Respondent's use of a clearly false name when registering the disputed domain name.

Finally, the Complainant's allegations of the Respondent's use of the disputed domain name in connection with a phishing scheme are unrebutted. The Panel easily concludes that the Respondent registered and is using the disputed domain name, intentionally trading on the Complainant's reputation in its trademark.

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, <valero-corporate.com> be transferred to the Complainant.

/Martin Schwimmer/

Martin Schwimmer

Sole Panelist

Date: April 5, 2022