

ADMINISTRATIVE PANEL DECISION

**QatarEnergy v. Domain Admin, Whois Privacy Corp. / omega petro, great
Case No. D2022-1689**

1. The Parties

The Complainant is QatarEnergy, Qatar, represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Domain Admin, Whois Privacy Corp., Bahamas / omega petro, great, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <qatar-petroleums.com> is registered with Internet Domain Service BS Corp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 9, 2022. On May 10, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 17, 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 May 19, 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 on May 23, 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 May 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 17, 2022.

The Center appointed Teruo Kato as the sole panelist in this matter on June 22, 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

According to the Complaint, the Complainant, QatarEnergy (formerly known as “Qatar Petroleum”), is a state owned petroleum company of Qatar founded in 1974, and its operations are directly linked with state planning agencies, regulatory authorities and policy making bodies.

The Complainant owns, among others, European Union Trademark No. 009712861, QATAR PETROLEUM, registered on December 7, 2011, as set out more particularly in section 6.A below.

The disputed domain name was registered on May 11, 2021.

The Respondent is Domain Admin, Whois Privacy Corp., Bahamas / omega petro, great, United States. The current register of Whois shows only the former as the Registrant. Although the Registrar confirmed to the Center that the latter was the actual registrant, the latter’s identities are not reflected in the current Whois register.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it is the owner of the trademark QATAR PETROLEUM.

The Complainant also contends that the disputed domain name is confusingly similar to the Complainant’s QATAR PETROLEUM trademark.

The Complainant further contends that the Respondent is not a licensee, an authorized agent of the Complainant, or in any other way authorized to use the Complainant’s trademark QATAR PETROLEUM and that the Respondent is not commonly known by the disputed domain name as an individual, business, or other organization, and that the Respondent does not make any *bona fide* use of the disputed domain name.

The Complainant also contends that the Respondent registered and is using the disputed domain name in bad faith.

The Complainant further contends that the disputed domain name does not resolve to an active website and that it has been used by the Respondent in connection with a phishing scheme and advance fee fraud, which involved the sending of fraudulent emails impersonating Qatar Petroleum.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel must determine whether (a) the Complainant has a trademark or service mark; and (b) whether the disputed domain name is identical or confusingly similar to that trademark or service mark.

The Complainant submitted evidence of various trademark registrations and the Panel is satisfied that the Complainant is the owner of various QATAR PETROLEUM registered trademarks, including:

- European Union Trademark No. 009712861, QATAR PETROLEUM, registered on December 7, 2011, covering goods and services in class 1, 4, 37, 39, 40, 42, and 43.

As to the confusing similarity element for the purposes of the Policy, the Panel has proceeded to compare the disputed domain name to the trademarks which have been provided.

Section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that "[t]he applicable Top Level Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test". The Panel finds no reason why this established practice should not be applied to the present case.

Apart from the TLD ".com", the Panel finds that the disputed domain name contains the Complainant's trademark QATAR PETROLEUM in its entirety, with a hyphen ("-") inserted in place of the space in the middle of the two words, and the letter "s" added at its end.

The Panel notes that section 1.7 of the [WIPO Overview 3.0](#) states that "[w]hile each case is judged on its own merits, 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."

The Panel also notes that section 1.8 of the [WIPO Overview 3.0](#) states that "[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element."

In the circumstances, the Panel sees no reason why these established practices should not be applied to the present case. Therefore, the Panel concludes that the disputed domain name is confusing similar to the Complainant's QATAR PETROLEUM mark.

Accordingly, the Panel finds that the requirement of paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

Under paragraph 4(c) of the Policy, any of the following circumstances, if found by the Panel, may demonstrate a respondent's rights or legitimate interests in a domain name:

(i) before any notice to it of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or

(ii) the respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) 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.

The consensus view of UDRP panels is that the burden of proof in establishing no rights or legitimate interests in respect of a domain name rests with the complainant in making out a *prima facie* case that the

respondent lacks rights or legitimate interests. Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (see section 2.1 of the [WIPO Overview 3.0](#)).

In the present case, the Complainant contends that “the Respondent has no rights or legitimate interests in the [disputed] [d]omain [n]ame” and that “[t]he Respondent is not a licensee of the Complainant, nor has it been otherwise authorised or allowed by the Complainant to make any use of its QATAR PETROLEUM trade mark, in a domain name or otherwise.”

The Complainant further contends that “[t]he Respondent cannot assert that, prior to any notice of this dispute, it was using, or had made demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services in accordance with paragraph 4(c)(i) of the Policy” and that “[t]he Respondent cannot conceivably claim that it is commonly known by the Domain Name in accordance with paragraph 4(c)(ii) of the Policy.”

The Complainant also contends that “[t]he [disputed] [d]omain [n]ame is not being used in the promotion of any business or any other online service that might give rise to the Respondent being commonly known by the [disputed] [d]omain [n]ame, independently from the Complainant’s rights in the QATAR PETROLEUM trade mark. The Respondent does not appear to have acquired any trade mark rights including the term “Qatar petroleum” that would confer any rights or legitimate interests on the Respondent pursuant to paragraph 4(c)(ii) of the Policy.”

Having examined the contentions and evidence submitted by the Complainant, the Panel is satisfied that the Complainant has established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name.

By not submitting a Response, the Respondent has failed to overturn such *prima facie* case and has also failed to invoke any of the defenses as set out in paragraph 4(c) of the Policy.

Further, the Panel notes that the nature of the disputed domain name carries a risk of implied affiliation with the Complainant (see section 2.5.1 of the [WIPO Overview 3.0](#)).

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

To fulfill the third requirement, the Complainant must prove that the disputed domain name was registered and is being used in bad faith.

As to the registration in bad faith, the Panel notes and accepts that the trademark QATAR PETROLEUM had been registered and had been known internationally, before the disputed domain name was registered on May 11, 2021. Therefore, the Panel holds that the Respondent was most likely to have known of the Complainant (as well as its former name), its products and trademarks prior to registering the disputed domain name (see section 3.2.2 of the [WIPO Overview 3.0](#)).

The Complainant also contends that “the Respondent’s use of a privacy service to hide its identity may be considered further evidence of the Respondent’s bad faith”. Additionally, the Complainant points out that the address given by the Respondent to the Registrar appears to be false and contends that “[t]he underlying registrant details of the Domain Name revealed by WIPO mention “Tx” which corresponds to San Antonio in Texas, but there’s no street called “.....” or “.....” in this city”. (See section 3.6 of the [WIPO Overview 3.0](#).)

As to the use in bad faith, the Complainant contends that “[i]t is clear that the Respondent was using the Domain Name in connection with advance fee fraud” and “the [disputed] [d]omain [n]ame has been used to impersonate the Complainant, no doubt in order to commit advance fee fraud”.

To support this allegation, the Complainant submits a screenshot from “Scam Survivors” dated March 25, 2022. The said screenshot shows a posting by “Wayne” dated February 12, 2022, which states:

Investment project
Qatar Petroleum <[...]@gmail.com>
To:
Thu, 10 Feb at 21:42
Hello,
I am Ali bin Ahmed Al Kuwari, Manager Account Finance, Qatar Petroleum. I have \$60m for Investment for you.
I have all it will take to move the fund to any of your accounts designated as a Contract Fund to avoid every query by the authority in your Country. Contact me for more details.
Regards,
Ali bin Ahmed Al Kuwari
Email:[...]@qatar-petroleums.com

The Panel notes that the above quoted email message contains at its end a contact email address which appears to have derived from the disputed domain name, *i.e.*, “[...]@qatar-petroleums.com”, but the said email message itself is stated as have been sent from a different email address, *i.e.*, “[...]@gmail.com”. The Panel also notes that the above screenshot does not show the recipient’s email address and the relevant Internet traffic data. In the circumstances, the Panel is not entirely convinced that the email message as quoted above had been sent by the Respondent or by its collaborators, as alleged by the Complainant. However, the Complainant’s contentions regarding fraudulent use are such that if the Respondent was not making such use, one would expect the Respondent to object to such contentions or provide evidence to the contrary, but the Panel notes that the Respondent has not done so. In any event, the Panel further notes that paragraph 4(b) of the Policy provides non-exhaustive examples constituting evidence of bad faith, which includes the following:

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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 respondent’s website or location or of a product or service on that website or location.

Whilst the Complainant stated in the original Complaint and the amended Complaint that the disputed domain name does not resolve to an active website, the Panel noted on June 26, 2022 that the disputed domain name resolved to a parking advertisement site. One of the three such advertisements appeared on the screen was designated as “プロパン相場” in Japanese, which was equivalent to “market prices of propane” In English. The webpages which followed this advertisement related to retail sales of Liquefied Petroleum Gas (LPG) in Japan.

Given that the Complainant operates in the field of energy including petroleum, the Panel would consider that this use would be consistent with the ambit of paragraph 4(b) of the Policy as quoted above.

The Panel also notes that, when the disputed domain name reached its expiration on May 11, 2022, according to the Complainant, it was the Complainant (and not the Respondent) who renewed for a further period of one year. If the Respondent was using the disputed domain name in good faith, one would probably expect that the Respondent would have taken steps to renew for its own benefits, pending the outcome of the present proceedings, but the Panel notes that the Respondent did not take such action to renew.

As already set out in section 3 Procedural History above, the Respondent was given an opportunity to raise its objections to the various contentions made by the Complainant in the Complaint but has not done so.

Taking all matters into consideration, the Panel holds, on the balance of probabilities, that the Respondent has registered and used the disputed domain name in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The Panel therefore concludes that the third requirement of the Policy has been met.

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 <qatar-petroleums.com> be transferred to the Complainant.

/Teruo Kato/

Teruo Kato

Sole Panelist

Date: July 1, 2022