

## **ADMINISTRATIVE PANEL DECISION**

Equinor ASA v. zenoforex macaulay, TECHNOCREATI VITY, and  
zenoforex17591 mark, TECHNOCREATI VITY  
Case No. D2022-2088

### **1. The Parties**

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

The Respondent is zenoforex macaulay, TECHNOCREATI VITY, Germany, and zenoforex17591 mark, TECHNOCREATI VITY, Germany.

### **2. The Domain Names and Registrar**

The disputed domain names <equinorglobal-investments.com> and <equinorglobal.net> are registered with Hostinger, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 9, 2022, regarding the disputed domain name <equinorglobal.net>. On June 15, 2022, the Complainant requested the disputed domain name <equinorglobal-investments.com> to be added to the procedure. On June 9 and 23, 2022, the Center transmitted by email to the Registrar requests for registrar verification in connection with the disputed domain names. On June 10 and 27, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on June 27, 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 including comments on the consolidation on June 29, 2022. On June 29, 2022, the Center notified the Complainant that there appear to be at least *prima facie* grounds sufficient to warrant accepting the Complaint for the Panel’s final determination of the consolidation request on appointment.

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 July 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 22, 2022.

The Center appointed Andrea Mondini as the sole panelist in this matter on August 2, 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 Equinor ASA is a Norwegian corporation, formerly known as Statoil ASA. The Complainant is an energy company with operations in more than 30 countries around the world developing oil, gas, and wind and solar energy. On March 15, 2018, Statoil ASA changed its name into Equinor.

The Complainant owns numerous registration of the trademark EQUINOR, *inter alia*, the European Union Trademark Registration No. 17900772 filed on May 15, 2018, and registered on January 18, 2019.

The Complainant also holds more than 100 domain names worldwide, including the domain names <equinor.com> and <equinorglobal.com>.

The disputed domain names were registered on May 24, 2022 and June 12, 2022, respectively.

The disputed domain names resolves to a site offering crypto currency services under the EQUINOR trademark and using the Complainant's address.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends as follows:

The mark EQUINOR has a high degree of reputation and recognition in the energy sector and is strongly associated with the Complainant, since the trademark has been extensively used since 2018 to identify the Complainant and its products and services. The disputed domain names are confusingly similar to the EQUINOR trademark in which the Complainant has rights, because they incorporate this trademark in its entirety, and the addition of the words "global" and "investments" is not sufficient to avoid confusing similarity.

The Respondent has no rights to or legitimate interests in respect of the disputed domain names. The Respondent is not affiliated or related to the Complainant in any way, or licensed or otherwise authorized to use the EQUINOR mark in connection with a website, a domain name or for any other purpose. The Respondent is not using the domain names in connection with any legitimate noncommercial or fair use without intent for commercial gain, is not generally known by the disputed domain names and has not acquired any trademark or service mark rights in that name or mark. The Complainant further submits that the Respondent is neither using the disputed domain names in connection with a *bona fide* offering of goods or services.

The disputed domain names were registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well known trademark EQUINOR at the time it registered the disputed domain name, also considering that the Complainant already owned the domain name <equinorglobal.com>.

The disputed domain names are being used in bad faith because the identical content posted under both disputed domains offers crypto currency services under the name of Equinor Investment and uses the trademark EQUINOR and the name and picture of the Complainant's CEO as well as the address of the Complainant, which shows that the Respondent has intentionally attempted to attract, for commercial gain, information from companies working with the Complainant by creating a likelihood of confusion with the Complainant's mark EQUINOR.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Consolidation**

Considering that both disputed domain names are registered under the name of the same registrant organization, and using the same email address and the same Registrar, and that they resolve to websites posting identical content, the Panel concludes that the disputed domain names are under common control and therefore orders the consolidation of the proceedings.

### **6.1 Substantive issues**

According to paragraph 4(a) of the Policy, in order to succeed, a 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 interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and are being used in bad faith.

#### **A. Identical or Confusingly Similar**

The Panel is satisfied that the Complainant owns trademark registrations for its EQUINOR trademark.

The Panel notes that the disputed domain names incorporate the EQUINOR trademark in its entirety. The addition of the words "global" and "investments" does not prevent a finding of confusing similarity under Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.

For these reasons, the Panel concludes that the disputed domain names are confusingly similar to the Complainant's mark EQUINOR.

The first element of paragraph 4(a) of the Policy has been met.

#### **B. Rights or Legitimate Interests**

The Complainant states that the Respondent has no rights to or legitimate interests in respect of the disputed domain names. In particular, it states that it has not authorized the Respondent to use the trademark EQUINOR and that before notice of the dispute, there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain names in connection with a *bona fide* offering of goods and services. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights to or legitimate interests in the disputed domain names. For its part, the Respondent failed to

provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain names.

Furthermore, the nature of the disputed domain names, comprising the Complainant's trademark and the words "global" and "investments", carries a risk of implied affiliation. See [WIPO Overview 3.0](#), section 2.5.1.

The second element of paragraph 4(a) of the Policy has been met.

### **C. Registered and Used in Bad Faith**

The Complainant has shown to the satisfaction of the Panel that its EQUINOR trademark is well-known in the international energy sector.

In the view of the Panel, it is inconceivable that the Respondent could have registered the disputed domain names without knowledge of the Complainant's well-known trademark, particularly considering that the Complainant already owned the domain name <equinorglobal.com> and that the websites posted under the disputed domain names features the address of the Complainant and the name and picture of its CEO. In the circumstances of this case, this is evidence of registration in bad faith.

The Complainant has shown that the identical websites posted under both disputed domains offer crypto currency services under the name of Equinor Investment and use the trademark EQUINOR and the name and picture of the Complainant's CEO as well as the address of the Complainant. Both websites feature an email address including the respective disputed domain name, which shows that the Respondent has intentionally attempted to obtain, for commercial gain, information from companies working with the Complainant by creating a likelihood of confusion with the Complainant's mark EQUINOR. The Panel finds that this is clear evidence of use in bad faith.

The Panel thus finds that the disputed domain names were registered and are being used in bad faith.

The third element of paragraph 4(a) 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 names, <equinorglobal-investments.com> and <equinorglobal.net> be transferred to the Complainant.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: August 16, 2022