

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc. v. Whois Privacy, Private by Design, LLC /
work work

Case No. D2022-2144

1. The Parties

The Complainant is Halliburton Energy Services, Inc., United States of America, represented by Polsinelli PC Law firm, United States of America (“United States” or “U.S.”).

The Respondent is Whois Privacy, Private by Design, LLC, United States / work work, United States.

2. The Domain Name and Registrar

The disputed domain name <halliburtoncorporation.com> (“Disputed Domain Name”) is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2022. On June 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 16, 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 June 20, 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 amendment to the Complaint on June 20, 2022.

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 June 22, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 12, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 18, 2022.

The Center appointed Colin T. O'Brien 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

Founded in 1919, the Complainant is one of the world's largest providers of products and services to the energy industry. The Complainant has 40,000 employees, representing 130 nationalities, and operations in approximately 70 countries, the company serves the upstream oil and gas industry throughout the lifecycle of the reservoir – from locating hydrocarbons and managing geological data to drilling and formation evaluation, well construction and completion – as well as optimizing production through the life of the field.

The Complainant has continually used the HALLIBURTON mark in commerce for more than 80 years and owns the following trademark registrations for the HALLIBURTON mark in the United States:

- U.S. Reg. No 2,575,819 covering oil, gas and geothermal well drilling, cementing and pressure grouting services; construction and installation of pneumatic bulk material handling systems, comprised of, pipes, tubing, couplings, pumps, blowers, filters, valves, and electrical controls and switches, oil, gas and geothermal well treatment, perforating fracturing, stimulating and plugging, engineering, geological estimations and research and computer programming for others, all in the field of oil, gas and geothermal well drilling; testing analysis and treating of oil, gas and geothermal well workings; and oil, gas and geothermal field exploration in Class 37, 40, and 42 registered on June 4, 2002.;
- U.S. Reg. No. 2,575,840 covering numerous goods in Classes 1, 6 7, 9, and 16 registered on June 4, 2002.

Additionally, the Complaint owns more than 370 trademark registrations in 60 countries worldwide for the HALLIBURTON mark and other HALLIBURTON-formative marks.

The Disputed Domain Name was registered on May 11, 2022, and the Complainant claims it is used for a fraudulent email and phishing scheme.

5. Parties' Contentions

A. Complainant

The Respondent is not affiliated with the Complainant, licensed to use the Complainant's HALLIBURTON mark, or licensed to register or use domain names, or associated email accounts, incorporating the HALLIBURTON mark.

Without the Complainant's knowledge or consent, and indeed in direct contravention of the Complainant's consent, the Respondent registered the Disputed Domain Name on May 11, 2022.

The Disputed Domain Name registered by the Respondent consists of the Complainant's entire distinctive HALLIBURTON mark, with the addition of the term "corporation", and was clearly designed to be confusingly similar to the Halliburton mark.

The Respondent has used the Disputed Domain Name to target vendors and/or employees of the Complainant in a fraudulent email and phishing scheme in which the Respondent attempts to solicit computer hardware to the Respondent by impersonating an employee of the Complainant.

The Respondent attempted to defraud the Complainant on May 17, 2022 by using the Disputed Domain Name in an email address to impersonate a Procurement Specialist employee of the Complainant, less than

a week after the Respondent registered the Disputed Domain Name. The fraudulent email, which mentioned a procurement of computer hardware devices while impersonating a Halliburton employee. Fortunately, the Respondent's attempt to perpetuate fraud on Halliburton's vendor was detected.

The Disputed Domain Name is confusingly similar to the Complainant's distinctive and well-known HALLIBURTON mark having added the term "corporation" to the end of the HALLIBURTON mark.

The Respondent has no rights or legitimate interests in the Disputed Domain Name. By registering a domain name confusingly similar to the Complainant's well known HALLIBURTON mark, it is quite clear that the Respondent acquired the Disputed Domain Name for the sole purpose of exploiting the Complainant's rights, title, interest and goodwill in the HALLIBURTON mark. Nothing in the record reflects the Respondent's use of the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

According to the relevant Whois records, the Respondent is Whois Privacy – which is Porkbun's offered service to hide the true identity of the Respondent. While the Complainant is currently unaware of the Respondent's true identity, the Complainant does not believe the Respondent has ever been commonly known by the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy. Additionally, it has been determined that a respondent's use of a privacy or proxy service which is known to block or intentionally delay disclosure of the identity of the actual underlying registrant is an indication of bad faith.

The Respondent's bad faith is palpable. It is clear from the relevant circumstances that the Respondent was well aware of the Complainant and had the Complainant's HALLIBURTON mark firmly in mind when registering the Disputed Domain Name. Further, redirecting the Disputed Domain Name to the Complainant's own website "www.halliburton.com" is clear evidence of bad faith to disrupt the Complainant's business.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in the famous HALLIBURTON trademark throughout the world. The addition of the term "corporation" does not prevent a finding of confusing similarity as the Complainant's HALLIBURTON mark is clearly recognizable in the Disputed Domain Name. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Accordingly, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has presented a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that the Respondent obtained the Disputed Domain Name decades after the Complainant had begun using its globally famous HALLIBURTON mark indicates the Respondent sought to piggyback on the mark for illegitimate reasons, namely to engage in a phishing scheme targeting the vendors of the Complainant using the name of an employee of the Complainant.

After a complainant has made a *prima facie* case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name.

In the absence of any evidence rebutting the Complainant's *prima facie* case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Disputed Domain Name was registered years after the Complainant first registered and used its HALLIBURTON mark. The evidence provided by the Complainant makes it clear the Respondent undoubtedly knew of the Complainant's widely known HALLIBURTON mark, and knew that it had no rights or legitimate interests in the Disputed Domain Name.

There is no benign reason for the Respondent to have registered the Disputed Domain Name, which is confusingly similar to the Complainant's mark.

Currently, the Disputed Domain Name resolves to the Complainant's website but this is merely a ruse as the Complainant has provided evidence that the Respondent has been sending emails to its vendors attempting to impersonate the Complainant to engage in phishing attacks. See section 3.5 of the [WIPO Overview 3.0](#). Furthermore, the Complainant has submitted evidence that a privacy protection service has been employed in the registration of the Disputed Domain Name. The Complainant has correctly identified the Respondent's bad faith actions as palpable.

The Panel finds that the only plausible basis for registering and using the Disputed Domain Name have been in bad faith.

Accordingly, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith.

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, <halliburtoncorporation.com> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: August 16, 2022