

ADMINISTRATIVE PANEL DECISION

Chevron Corporation and Chevron Intellectual Property LLC v. Johnson Zhang

Case No. D2022-2846

1. The Parties

The Complainants are Chevron Corporation (referred irrespectively as the “Complainant” or the “Complainants”), United States of America (“United States”), and Chevron Intellectual Property LLC, United States, represented by Demys Limited, United Kingdom.

The Respondent is Johnson Zhang, Singapore.

2. The Domain Name and Registrar

The disputed domain name <chevronmay.com> is registered with Realtime Register B.V. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 2, 2022. On August 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 4, 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 August 4, 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 August 4, 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 August 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 5, 2022.

The Center appointed Emre Kerim Yardimci as the sole panelist in this matter on September 4, 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 Complainants are part of a multinational energy and technology company.

The first Complainant was founded in 1879, is currently active in over 180 countries and operates brands including Chevron, Texaco and Caltex. The first Complainant operates in the world's major oil and gas regions and is the second largest energy company in the United States.

The second Complainant is the intellectual property holding company of the Complainants' group and is the owner of *inter alia* the following trademark registrations (hereinafter jointly referred to as the "Trademarks"):

- United States registration No. 0364683 for CHEVRON registered on February 14, 1939; and
- United Kingdom registration No. UK00000638572 for CHEVRON registered on July 12, 1945; and
- European Union registration No. 000095745 for CHEVRON registered on March 8, 1999.

The Complainants operate *inter alia* the domain name <chevron.com>.

The disputed domain name was registered on March 31, 2022, and at the time of the filing of the complaint, the disputed domain name was resolving to an active website impersonating the Complainants' website by using the Complainants' trademarks and trade dress.

5. Parties' Contentions

A. Complainant

The Complainants assert that the disputed domain name is identical or at least confusingly similar to the Complainants' trademark CHEVRON and the addition of the word "may" is not sufficient to distinguish the disputed domain name from the mark but on the contrary, such addition reinforce the association of the disputed domain name with the Complainants' mark.

The Complainants consider that the Respondent has no rights or legitimate interests in respect of the disputed domain name, mainly because the Complainants have neither licensed nor otherwise authorized the Respondent to use its marks or to apply for or use any domain name incorporating the trademarks of the Complainant and the Respondent does not appear to be known by the disputed domain name.

The Complainants contend that the Respondent has registered and is using the disputed domain name in bad faith. It is clear that the Respondent was aware of the rights the Complainants have in the trademark at the time of its registration.

The Complainants claim that the Respondent is using the disputed domain name with the aim to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainants' trademark and for the purpose of disrupting the Complainants' business and targeting the Complainants' trademark. Doing that, the Respondent has used privacy shield in order to hide its identity, which together with other elements, reinforces the bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, the Complainant is required to prove the presence of each of the following three elements to obtain the remedy it has requested:

- (i) the disputed domain name is identical or confusingly similar to a 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 is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. A trademark registration provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner.

As indicated above, the Complainants hold several trademark registrations for the famous trademark CHEVRON. The disputed domain name integrates the Complainants' CHEVRON trademark in its entirety.

The disputed domain name differs from the registered CHEVRON trademark by the addition of the word "may". This addition does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") at section 1.8.

As regards the generic Top-Level Domain ".com", it is typically disregarded under the confusing similarity test under the Policy.

Consequently, the Panel finds that the Complainants have shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The onus is on the Complainant to make out at least a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, and it is then for the Respondent to rebut this case. See section 2.1 of the [WIPO Overview 3.0](#).

The Panel accepts the Complainants' submissions that the Respondent does not appear to be known by the disputed domain name, has not used, or made demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services, is not making a legitimate noncommercial or fair use of the disputed domain name, and has no consent from the Complainants to use its trademark.

The Respondent has not filed a Response.

The Complainants have made out its *prima facie* case under this element of the Policy and the Respondent has failed to rebut it. Accordingly, the Complainants succeed in relation to the second element of the Policy.

C. Registered and Used in Bad Faith

At the time of registration of the disputed domain name, the Complainants' trademark CHEVRON was a famous trademark for a very long time throughout the world. As the Complainants submit, it is inconceivable that the Respondent would not have known of the Complainants' mark.

The Panel finds that the Respondent is using the disputed domain name to intentionally attempt to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainants' famous trademark.

As a matter of fact, considering;

- the use of the Complainants' famous trademark within the disputed domain name;
- the striking similarity of the website;
- the use of the Complainants' trademark; and
- the use of the Complainants' copyrighted videos and photos on the website under the disputed domain name.

it is clear that the Respondent has targeted the Complainants and its famous trademark to benefit its own commercial activities.

The Respondent's registration of the disputed domain name incorporating the Complainants' mark that is resolving to a website impersonating the Complainants' website clearly constitutes bad faith use, and registration.

Therefore, the only reason for the registration of the disputed domain name by the Respondent must have been with bad faith intent to use it to exploit, for commercial gain, the Complainants' reputation. The Respondent has used the disputed domain name for precisely that purpose.

Therefore, in the view of cumulative circumstances, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to the Policy.

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 <chevronmay.com> be transferred to the second Complainant Chevron Intellectual Property LLC.

/Emre Kerim Yardimci/

Emre Kerim Yardimci

Sole Panelist

Date: October 7, 2022