

## **ADMINISTRATIVE PANEL DECISION**

Equinor ASA v. Steve Saether  
Case No. D2022-4992

### **1. The Parties**

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

The Respondent is Steve Saether, Norway.

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

The disputed domain name <equinor.org> (the “Domain Name”) is registered with Ascio Technologies Inc. Danmark - Filial af Ascio technologies, Inc. USA (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 27, 2022. On December 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 28, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on December 28, 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 January 2, 2023.

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 January 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2023. The Respondent sent an informal email communication by email on January 4, 2023, to the Center. The Respondent also sent informal email communication to the Registrar on January 6, 2023. The Center informed the Parties of its commencement of Panel appointment process on January 30, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on February 2, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is an international energy company with operations in more than 30 countries around the world developing oil, gas, wind, and solar energy. The Complainant was founded as The Norwegian State Oil Company (Statoil) in 1972 and the Norwegian State holds 67 per cent of the shares. The Complainant changed its company name to Equinor in 2018. The name change was announced on March 15, 2018, and the news were shared and commented worldwide on different media platforms. In parallel to the name change, EQUINOR trademark applications have been filed worldwide, among them Norwegian trademark registration No. 298811, registered on June 12, 2018.

The Complainant is the owner of more than 100 domain name registrations throughout the world containing the EQUINOR mark distributed among generic Top-Level Domains (“gTLDs”) and country code Top-Level Domains (“ccTLDs”).

The Domain Name was registered on March 15, 2018, which is according to the evidence submitted by the Complainant the same date that the Complainant announced its company name change. At the time of drafting the Decision, the Domain Name resolves to a Norwegian website displaying the text “Du har ikke publisert en webside. Logg på Web Site Builder for å publisere”. (translated to English: You have not published a web page. Log in to Web Site Builder to publish).

#### **5. Parties’ Contentions**

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

The Complainant provides evidence of its EQUINOR trademark registrations. The Complainant argues that the Domain Name is confusingly similar to the Complainant’s trademark and company name EQUINOR.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant asserts that the Respondent is not affiliated with the Complainant. The Respondent has not been granted any license to use the EQUINOR trademark nor was the Respondent otherwise authorized by the Complainant to use the trademark. There is no evidence of the Respondent’s use of, or 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.

The Complainant believes it is evident from the composition of the Domain Name that the Respondent, with listed domicile in Norway, chose to register a name that is confusingly similar to the Complainant’s trademark and registered company name. The Respondent was fully aware of the fact that it incorporated a well-recognized and distinctive trademark in which the Respondent had absolutely no prior rights. The registration of the Domain Name took place on the day of the Complainant’s name change. Finally, the Mail Exchanger records (“MX-records”) are activated for the Domain Name, which may indicate that the Respondent registered the Domain Name for use in phishing or other bad faith activity.

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions. The Respondent sent an informal email to the Center on January 30, 2023, stating:

“Hi

I haven’t had time to write counterarguments due to a lot of work.

But Ecuinor was intended to start a business in engaged in adjusting the controll unit on cars.

“Electric Controll Unit in Norway”

-Ecuinor. No other intentions.

And it was registrated before Equinor change their name”.

## **6. Discussion and Findings**

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

The Complainant has established that it has rights to the trademark EQUINOR. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name is identical to the Complainant’s trademark, with the exception of the letter “q” being replaced by the letter “c”. This misspelling of the Complainant’s trademark does not prevent a finding of confusing similarity between the Domain Name and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the gTLDs, *i.e.* the “.org” in the present proceeding. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register the Domain Name containing the Complainant’s trademark or otherwise make use of the Complainant’s mark. There is no evidence in the present proceeding that the Respondent has registered the Domain Name as a trademark or acquired any unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. The Respondent’s informal email explanation is not supported by any documentation or evidence, and the explanation is not very credible.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

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

The Panel finds it evident from the composition of the Domain Name, and the Respondent’s lack of any credible explanation of why he registered the Domain Name, that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name. The fact that the Domain Name does not resolve to an active website does not prevent a finding of bad faith. The timing of the registration of the Domain Name and the lack of credibility in the Respondent’s explanation, is further evidence of bad faith.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of 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 Domain Name <ecuinor.org> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: February 16, 2023