

## **ADMINISTRATIVE PANEL DECISION**

Chevron Corporation, and Chevron Intellectual Property LLC v. David Sternlight

Case No. D2023-0380

### **1. The Parties**

Complainants are Chevron Corporation and Chevron Intellectual Property LLC, United States of America (“United States”), represented by Demys Limited, United Kingdom.

Respondent is David Sternlight, United States of America.

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

The disputed domain name <chevromn.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 27, 2023. On January 27, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 30, 2023, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on January 31, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 1, 2023.

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 Respondent of the Complaint, and the proceedings commenced on February 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 28, 2023.

The Center appointed Michael A. Albert as the sole panelist in this matter on March 17, 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 by the Center to ensure compliance with the Rules, paragraph 7.

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

The First Complainant – Chevron Corporation – is a multinational energy and technology company headquartered in San Ramon, California, United States. It is primarily engaged in the oil and gas industry, including the production and distribution of chemicals and the development of alternative energy sources and renewable fuels. The company operates in the world’s major oil and gas regions and is the second largest energy company in the United States. It was founded in 1879, is currently active in over 180 countries and operates brands including CHEVRON and “Caltex”. Its 40,000 employees communicate at work using individual email accounts utilizing the <chevron.com> domain name as the extension. In 2022, it was ranked as the 26th-largest public company in the world in Forbes’ Global 2000 list, an annual ranking of the top 2,000 public companies in the world based on sales, profit, assets and market value.

The Second Complainant – Chevron Intellectual Property LLC – is Complainants’ group’s intellectual property holding company.

Complainants own a number of trademark registrations for the CHEVRON mark, including the United States trademark registration number 364683, registered on February 14, 1939.

The disputed domain name <chevrovn.com> was registered on December 28, 2022, and resolves to a Pay-per-click (“PPC”) website. According to the evidence submitted in the Complaint, the disputed domain name is used in a fraudulent email scheme impersonating one of Complainant’s employees.

#### **5. Parties’ Contentions**

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

Complainants contend they have a specific common grievance against Respondent, in that Respondent has targeted both Complainants’ rights. Complainants contend that the disputed domain name is confusingly similar to their mark.

Complainants further contend that Respondent does not have any rights or legitimate interests in the disputed domain name.

Given that Complainants’ mark is well-known, Complainants assert that it is inconceivable that Respondent did not have Complainants firmly in mind when it registered the disputed domain name, especially since the disputed domain name has been used in a fraudulent email scheme where Respondent has impersonated an employee of Complainants and sent emails to one of Complainant’s vendors. The disputed domain name was therefore registered and is being used in bad faith.

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

Respondent did not reply to Complainants contentions.

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

Complainants have demonstrated that they own multiple trademark registrations for the mark CHEVRON. Complainants contend that the disputed domain name is confusingly similar to its well-known CHEVRON mark, in that it only differs by the addition of the letter “m”. The generic Top-Level Domain “.com” is required only for technical reasons and, as in common in proceedings under the UDRP, can be ignored for the purposes of comparison of the disputed domain name to Complainants’ mark. See section 1.11 of the WIPO Overview of the WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

The addition of the letter “m” does not dispel the confusing similarity between Complainants’ mark and the disputed domain name. See *Accenture Global Services Limited v. Host Master, Transure Enterprise Ltd.*, WIPO Case No. [D2019-1966](#).

The Panel finds that Complainants have satisfied paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

Complainants’ registration of their earliest mark pre-dates the registration of the disputed domain name by more than 83 years. There is no evidence that Respondent has any rights or legitimate interests in the disputed domain name, and to the contrary, the evidence suggests that he does not. Respondent has not been commonly known by the CHEVRON mark or the term “chevromn” prior to or after the registration of the disputed domain name. Respondent is not a licensee of Complainants and has not received any permission or consent from either Complainant, collectively or singly, to use their mark.

Further, the disputed domain name was used to send an email to one of Complainants’ vendors in an attempt to incorrectly update the payment details the vendors uses to pay Complainants’ invoices. Per section 2.13 of [WIPO Overview 3.0](#):

“Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.”

The use of the disputed domain name for such type of fraud can never confer rights or legitimate interests on Respondent.

In addition, the content of the website found at the disputed domain name consists of PPC links, further evidencing Respondent’s attempt to capitalize on the incorporation of Complainants’ trademark in the disputed domain name.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

Given that Complainants’ mark is well-known worldwide, as outlined above, it is inconceivable that Respondent did not have that mark and at least one of the associated companies firmly in mind when he registered the disputed domain name. Moreover, given the use of the disputed domain name to impersonate Complainants, it is evident that Respondent knew of Complainants and sought to mislead unsuspecting Internet users as to the origin of the emails. It is well-established under the Policy that in most circumstances where a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainants’ mark, such conduct is sufficient to find that the disputed domain name was registered and is being used in bad faith.

The use of the disputed domain name to send emails using the “[...]@chevromn.com” extension, containing false payment details and purporting to originate from Complainants, misappropriating the name of an actual employee of Complainants and relying on the visual similarity to Complainants’ domain name <chevron.com> in the email address, plainly constitutes bad faith.

The Panel finds that Complainant has satisfied 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 disputed domain name, <chevromn.com>, be transferred to Second Complainant, Chevron Intellectual Property LLC.

*/Michael A. Albert/*

**Michael A. Albert**

Sole Panelist

Date: March 28, 2023