

ADMINISTRATIVE PANEL DECISION

Chevron Corporation and Chevron Intellectual Property LLC v. Amanda Hall Case No. D2023-0559

1. The Parties

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

The Respondent is Amanda Hall, South Africa.

2. The Domain Name and Registrar

The disputed domain name <chervon.com> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 7, 2023. On February 7, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 8, 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 the Complainants on February 9, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on February 10, 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 the Respondent of the Complaint, and the proceedings commenced on February 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 13, 2023.

The Center appointed Delia-Mihaela Belciu as the sole panelist in this matter on March 16, 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 Second Complainant, which is the Complainants' group's intellectual property holding company, is the owner of the following CHEVRON registered trademarks:

- United States registration No. 0364683 for CHEVRON, registered on February 14, 1939, for goods in class 04;
- United Kingdom registration No. UK00000638572 for CHEVRON, registered on July 12, 1945, for goods in class 04;
- German registration No. 831256 for CHEVRON, registered on March 28, 1967, for goods in classes 01, 02, 04, 05, 06, 07, 16, 19, and 21;
- European Union Trade Mark No. 000095745 for CHEVRON, registered on March 8, 1999, for goods in classes 01, 02, 03, 04, 16, 17, and 19; and
- European Union Trade Mark No. 015759095 for CHEVRON, registered on December 30, 2016, for services in classes 35, 37, and 39.

The Complainants operate an official website at "www.chevron.com".

The disputed domain name was registered on December 30, 2022.

5. Parties' Contentions

A. Complainants

The First Complainant asserts that it was founded in 1879, currently being a multinational energy and technology company, primarily engaged in the oil and gas industry, being the second largest energy company in the United States. It also mentions that, it is currently active in over 180 countries and that it operates brands including Chevron, Texaco, and Caltex.

The First Complainant states that such and the great majority of its subsidiaries operate under trade names incorporating "Chevron" and that such is well known by and typically referred to by the term "Chevron" alone. It also asserts that its 40,000 employees communicate at work using individual email accounts utilizing the First Complainant's domain name <chevron.com>. Employees' work email accounts of the First Complainant are structured as follows: "[employee name]@chevron.com".

According to its assertions, products and services carrying the brand "Chevron" include approximately 7,000 branded retail gasoline service stations in North America, as well as branded retail and commercial lubricants which are distributed and sold worldwide.

The Complainants operate an official website at "www.chevron.com" and contend that their brand is well known around the world.

The Complainants contend that the disputed domain name is confusingly similar to its mark in that it only differs by the addition of the letter "r" and the transposition of the letters "r" and "v". In the Complainants' view, the disputed domain name constitutes a typographical variant of the Complainants' CHEVRON mark and that the addition of the single letter "r" as well as the transposition of the letters "r" and "v" do not dispel any confusing similarity between the Complainants' mark and the disputed domain name.

The Complainants further contend that the term “chrervon” has no meaning other than that which refers to the Complainants. According to the Complainants’ searches for “chrervon” term on Google, all results relate to the Complainants.

Furthermore, the Complainants aver that the Top-Level Domain (“TLD”) “.com” is required only for technical reasons and, that such can be ignored for the purposes of comparison of the disputed domain name to the Complainants’ mark.

For these reasons, the Complainants conclude that the disputed domain name is confusingly similar to its CHEVRON mark.

The Complainants further contend that the Respondent does not have any rights or legitimate interests in the disputed domain name for a number of reasons.

First, the Complainants assert that the disputed domain name was used to send an email to one of the Complainants’ business partners in an attempt to fraudulently update the payment details the partner uses to pay the Complainants’ invoices.

The Complainants aver that the use of the disputed domain name for financial fraud can never confer rights or legitimate interests on the Respondent.

The Complainants further note that the email purported to have been sent by an employee of the Complainants.

Secondly, the Complainants assert that there is no evidence that the Respondent is known by “Chevron” or “Chrervon” or that it owns any trademarks incorporating the terms “chevron” or “chrervon” or that it ever traded legitimately under the names “Chevron” or “Chrervon”.

Further, the Complainants assert that the Respondent is not their licensee and that such has not received any permission or consent from either Complainant, collectively or singly, to use their mark.

Thirdly, the Complainants contend that the disputed domain name currently does not resolve to an active website, which constitutes passive holding and, as such, has not been used in connection with a *bona fide* offering of goods or services.

For these reasons, the Complainants conclude that, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainants further contend that the disputed domain name was registered and is being used in bad faith for a number of reasons.

To this end, the Complainants argue that considering that the Complainants’ mark is well known, it is inconceivable in their view that the Respondent did not have the Complainants firmly in mind when it registered the disputed domain name.

The Complainants allege that the use of the disputed domain name to send emails containing false payment details and purporting to originate from the Complainants, misappropriating the name of an actual employee of the Complainants and relying on the visual similarity of the disputed domain name to the Complainants’ main email domain name <chevron.com>, constitutes bad faith.

The Complainants note that the disputed domain name continues to be configured with mail exchange (“MX”) records at the time of the submission of the Complaint and therefore could be used for sending further fraudulent emails.

The Complainants further argue that the use of a typographical variant of their mark indicates bad faith.

The Complainants contend that at the point of submission of the Complaint, the website associated with the disputed domain name was “passively held” and that such passive holding of the disputed domain name constitutes bad faith considering especially (i) the degree of distinctiveness or reputation of the Complainants’ mark, (ii) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the Respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the disputed domain name may be put.

Lastly, the Complainants argue that the use of a privacy service by the Respondent is indicative of bad faith. For all these reasons, the Complainants conclude that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

In order for the Complainants to succeed, they must prove, according to paragraph 4(a) of the Policy, that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (ii) the Respondent has no rights or legitimate interests with respect to the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

In case all three elements above have been fulfilled, the Panel is able to grant the remedy requested by the Complainants. Thus, the Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy, the Complainants have to show that the disputed domain name is (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainants have rights.

With respect to the requirement of having rights pursuant to paragraph 4(a)(i) of the Policy, the Second Complainant owns several CHEVRON registered trademarks, in several jurisdictions. Consequently, the Panel finds that this requirement is fulfilled.

With regard to the assessment of identity or confusing similarity of the disputed domain name with the CHEVRON trademarks, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Complainants’ trademarks and the disputed domain name (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)). Moreover, a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for the purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark (see section 1.9 of the [WIPO Overview 3.0](#)).

The Panel finds that the disputed domain name is confusingly similar to the CHEVRON trademarks as such represents a typographical variant of the CHEVRON trademarks, differing only by the addition of the letter “r” and the transposition of the letters “r” and “v”. The CHEVRON trademarks remain clearly recognizable within the disputed domain name (see *Minerva S.A. v. Noah*, WIPO Case No. [D2018-2188](#); and see section 1.9 of the [WIPO Overview 3.0](#)).

The addition of the TLD “.com” is not to be taken into consideration when examining the confusing similarity between the Complainants’ trademarks and the disputed domain name, as such is viewed as a standard registration requirement and such is disregarded under the first element confusing similarity test (see section 1.11 of the [WIPO Overview 3.0](#)).

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

B. Rights or Legitimate Interests

The Complainants are required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. Once such *prima facie* case is made out, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to come forward with such appropriate allegations or evidence, the Complainants are generally deemed to have satisfied paragraph 4(a)(ii) of the Policy (see section 2.1 of the [WIPO Overview 3.0](#)).

In this case, the Complainants have put forward a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, which has not been rebutted by the Respondent, as the Respondent has not submitted any response.

Thus, based on the available evidence, the Respondent does not appear to be known by “Chevron” or “Chrervon” nor that it owns any trademarks incorporating the terms “chevron” or “chrervon” nor that it ever traded legitimately under the names “Chevron” or “Chrervon”. The Respondent is not a licensee of, nor has any kind of relationship with, the Complainants. The Complainants have never authorised the Respondent to make use of its CHEVRON trademarks in the disputed domain name.

Moreover, based on the evidence filed by the Complainants, the disputed domain name was used for financial fraud and currently does not resolve to an active website.

The above does not amount to a *bona fide* offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain name.

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

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, a complainant must show that the domain name has been registered and is being used in bad faith.

In this case, the Complainants’ rights to the CHEVRON trademark predate the registration date of the disputed domain name.

The CHEVRON trademark is registered in several jurisdictions around the world since decades and enjoys of a well-known and highly distinctive character, recognized by earlier UDRP panels as well (see *Chevron Corporation and Chevron Intellectual Property LLC v. Privacy Service Provided by Withheld for Privacy ehf / gabriel levy*, WIPO Case No. [D2022-2616](#); and *Chevron Corporation and Chevron Intellectual Property LLC v. Privacy Service Provided by Withheld for Privacy ehf / victory solomon*, WIPO Case No. [D2022-2618](#)). Furthermore, the Complainants registered and are using the domain name <chevron.com> for addressing the official website of the Complainants.

In light of the well-known character of the CHEVRON trademarks, the Panel agrees with the Complainants that it is not conceivable that the Respondent chose the disputed domain name without knowledge of the Complainants’ activities and their CHEVRON trademarks under which the Complainants are doing business, which support a finding of bad faith registration.

The Respondent's use of a typographical variant of the Complainants' mark and the use of the disputed domain name to send emails containing false payment details, purporting to originate from the Complainants, misappropriating the name of an actual employee of the Complainants, relying on the visual similarity of the disputed domain name to the Complainants' main email domain name <chevron.com>, all support a finding of bad faith use (see [WIPO Overview 3.0](#), section 3.2.1).

Given the fact that the disputed domain name is confusingly similar to the CHEVRON mark and being configured with MX records, as per the evidence filed by the Complainants, therefore, capable of email communication, anyone receiving an email originating from the disputed domain name would reasonably assume that it was sent by the Complainants. The Respondent's action in this regard further supports a finding of bad faith use (see *Chevron Corporation and Chevron Intellectual Property LLC v. Privacy Service Provided by Withheld for Privacy ehf/gabriel levy*, WIPO Case No. [D2022-2616](#); and [WIPO Overview 3.0](#), section 3.1.4.).

Finally, the fact that the disputed domain name has been registered with a privacy service which leads to the assumption that it was made in order to hide the Respondent's identity and also to prevent the Complainants from contacting him considering also all the above, further supports a finding of bad faith (see [WIPO Overview 3.0](#), section 3.6).

For all these reasons, the Panel finds that the disputed domain name has been registered and is being used in bad faith and that the third element of paragraph 4(a)(iii) of the Policy is fulfilled.

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, <chervon.com>, be transferred to the Second Complainant.

/Delia-Mihaela Belciu/

Delia-Mihaela Belciu

Sole Panelist

Date: March 28, 2023