

ADMINISTRATIVE PANEL DECISION

QatarEnergy v. Expo 2020 / Mohamed Carlos Case No. D2023-1231

1. The Parties

The Complainant is QatarEnergy, Qatar, represented by Hogan Lovells (Paris) LLP, France.

The Respondents are Expo 2020, United Arab Emirates, and Mohamed Carlos, United Arab Emirates.

2. The Domain Names and Registrar

The disputed domain names <contract-qatenergy.com> and <sap-qatarenegy.com> (collectively the “Domain Names”) are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2023. On March 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On March 21, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 18, 2023, 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 April 21, 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 April 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 17, 2023.

The Center appointed Gregor Vos as the sole panelist in this matter on May 23, 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 Complainant is a Qatari state owned company active in the field of oil and gas. The Complainant was founded in 1974 and was formerly known under the name Qatar Petroleum before changing its name to QatarEnergy on October 11, 2021.

The Complainant is the owner of *inter alia* the following trademark registrations (hereinafter jointly referred to as the “Trademarks”):

- European Union Trade Mark registration No. 018573702 for  registered on April 19, 2022;
- European Union trademark registration No. 018581977 for  registered on April 19, 2022.

The disputed domain name <contract-qatenergy.com> has been registered on October 29, 2022, and the disputed domain name <sap-qatarenegy.com> has been registered on January 6, 2023. The Domain Names currently do not resolve to active webpages.

The disputed domain name <sap-qatarenegy.com> has been used to create an e-mail address, which is used to impersonate an employee of the Complainant and by which fraudulent phishing e-mails have been sent as evidenced in the Complaint.

5. Parties' Contentions

A. Complainant

Preliminarily, according to the Complainant, the Domain Names are under common control of one entity. Therefore, the different domain name disputes should be consolidated in these proceedings.

With the Complaint, the Complainant seeks that the Domain Names are transferred to the Complainant. The Complaint is based on the following factual and legal grounds: the Domain Names are identical or confusingly similar to the Complainant's Trademarks, the Respondents have no rights or legitimate interests in the Domain Names, and the Domain Names have been registered and are being used in bad faith.

Firstly, according to the Complainant, the Domain Names are confusingly similar to its Trademarks. The Domain Names contain misspellings of the Trademarks and the additions in the Domain Names of the descriptive terms 'contract' and 'sap' do not prevent a finding of confusing similarity.

Secondly, according to the Complainant, the Respondents have no rights or legitimate interests in the Domain Names. To support this, the Complainant argues that the Respondents never received permission to register or use the Domain Names and that the Respondents are not commonly known by the Domain Names. Furthermore, the Complainant argues that of the Domain Names resolve to inactive websites and that the Domain Names are, or there is a serious threat that they are, used for a fraudulent phishing scheme. Also, the Complainant argues that there is no evidence of any *bona fide* use of the Domain Names, and that Respondents are not making a legitimate noncommercial or fair use of the Domain Names.

Finally, according to the Complainant, the Respondents have registered and are using the Domain Names in bad faith. According to the Complainant, the Domain Names were registered with fraudulent intentions and in full recognition of the Trademarks. Also, the Respondent Expo 2020 would have been involved in earlier domain name proceedings involving the Complainant.

B. Respondent

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

6. Preliminary Procedural Issue: Consolidation of Multiple Domain Names and Respondents

The Panel will first deal with the question of whether the different domain name disputes should be consolidated in single proceedings.

The consolidation of multiple domain name disputes under paragraph 3(c) or 10(e) of the Rules may be appropriate where the particular circumstances of a case indicate that common control is being exercised over the Domain Names or the websites to which the Domain Names resolve and the panel, having regard to all of the relevant circumstances, determines that consolidation would be procedurally efficient and fair and equitable to all parties.

Indicia of common control have been found based on commonalities in registrant information, such as shared administrative or technical contacts and shared postal or email addresses, as well as other circumstances in the record indicating that the respondents are related or that a sufficient unity of interests otherwise exists that they may be essentially treated as a single domain name holder for purposes of paragraph 3(c) of the Rules (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2; *Speedo Holdings B. V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#)).

In the present case, the Panel finds that the consolidation of the domain name disputes is justified. Both Domain Names contain a misspelling of the Trademarks with the addition of the terms "contract-" and "sap-". Also, all Domain Names are registered with same Registrar and are hosted on the same name servers. Finally, the identity of both Respondents was concealed using the same Privacy service and the Respondents have not objected to consolidation of the domain name disputes.

Therefore, the Panel finds, having regard to all relevant circumstances, that the Domain Names are under common control and that it is procedurally efficient and fair and equitable to all parties when the domain name disputes are consolidated. Unless explicitly mentioned otherwise, the Respondents will further jointly be referred to as the "Respondent".

7. Discussion and Findings

In view of the lack of a response filed by the Respondent as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(f), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding on the basis of the Complainant's undisputed factual presentations.

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

- i. the Domain Names are identical or confusingly similar to a trademark or a service mark in which the Complainant has rights;
- ii. the Respondents have no rights or legitimate interests in respect of the Domain Names; and
- iii. the Domain Names have been registered and are being used in bad faith.

Only if all three elements have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. The Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the Domain Names are (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainant has rights.

With respect to having rights pursuant to paragraph 4(a)(i) of the Policy, it is noted that the Complainant is registered as the owner of the Trademarks. Consequently, the Panel finds that the Complainant has proven that it has rights in the Trademarks.

With regard to the assessment of identity or confusing similarity of the Domain Names with the Trademarks, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Trademarks and the Domain Names (see section 1.7 of the [WIPO Overview 3.0](#)). In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark (see section 1.7 of the [WIPO Overview 3.0](#)).

In the present case, the QATAR ENERGY Trademarks have been incorporated in the Domain Names in their entirety, with the mere deletion of one and two letters respectively. Additionally, the additional terms “contract” and “sap” in the Domain Names respectively do not prevent a finding of confusing similarity. Consequently, the Panel finds that the requirement under paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the Domain Names. The onus of proving this requirement, like each element, falls on the Complainant. Given the difficulty in proving a negative, however, it is usually sufficient for a complainant to make out a *prima facie* case that a respondent lacks rights or legitimate interests. If a complainant does establish a *prima facie* case, the burden of production shifts to the respondent (see, e.g. [WIPO Overview 3.0](#), section 2.1; *Sanofi v. Cimpress Schweiz GmbH*, WIPO Case No. [D2017-0522](#)).

Paragraph 4(c) of the Policy lists three non-limitative examples of instances in which a respondent may establish rights or legitimate interests in a disputed domain name.

The Complainant has substantiated that none of these circumstances apply in this case. By defaulting, the Respondent has failed to rebut the *prima facie* case established by the Complainant. Furthermore, based on the record before it, the Panel does not see an indication that any of the circumstances of paragraph 4(c) of the Policy is present. This is reinforced by the fact that the disputed domain name <sap-qatarenegy.com> has been used to send fraudulent phishing e-mails, which can never confer rights or legitimate interests on a respondent (see [WIPO Overview 3.0](#), section 2.13).

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name. Paragraph 4(a)(ii) is thereby fulfilled.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, a complainant must show that a domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy lists four non-limitative circumstances which may be considered as evidence of registration and use in bad faith of a domain name.

In the present case, the Complainant's rights to the Trademarks predate the registration date of the Domain Names. From the case file, it appears that the Trademarks at least enjoy a reputation in the field of oil and gas, which has been confirmed in an earlier recent Panel decision (see *QatarEnergy v. Privacy Service Provided by Withheld for Privacy ehf / Expo 2020, Expodic*, WIPO Case No. [D2022-3171](#)). Therefore, and given the nature of the Domain Names, it is not conceivable that the Respondents registered the Domain Names without knowledge of the Complainant's activities and its Trademarks under which the Complainant

is doing business. This is further evidenced by the fact that the Domain Name <sap-qatarenegy.com> has been used to send a phishing e-mail that explicitly refers to the Complainant and imitates an employee of the Complainant, also constituting use of this Domain Name in bad faith. Also, the Respondent Expo 2020 that registered the Domain Name <contract-qatenergy.com> has been involved in an earlier UPDR proceeding involving the Complainant (see *QatarEnergy v. Privacy Service Provided by Withheld for Privacy ehf / Expo 2020, Expodic*, WIPO Case No. [D2022-3171](#)).

Finally, the Respondent failed to submit a response and to provide any evidence to rebut the Complainant's allegations.

Accordingly, the Panel finds that the Domain Names have been registered and are being used in bad faith and that the third element of paragraph 4(a)(iii) of the Policy is fulfilled.

8. 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 Names <contract-qatenergy.com> and <sap-qatarenegy.com> be transferred to the Complainant.

/Gregor Vos/

Gregor Vos

Sole Panelist

Date: June 6, 2023.