

## **ADMINISTRATIVE PANEL DECISION**

**Chevron Corporation and Chevron Intellectual Property LLC v. Chevron Investment - Chevron**  
**Case No. D2023-1685**

### **1. The Parties**

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

Respondent is Chevron Investment, Chevron, United Kingdom.

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

The disputed domain name <chevron-investment.com> (the “Domain Name”) is registered with Hostinger, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 17, 2023. On April 18, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 19, 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 (Domain Admin, Privacy Protect LLC) and contact information in the Complaint. The Center sent an email communication to Complainants on April 19, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants 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 Respondent of the Complaint, and the proceedings commenced on April 25, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 15, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 16, 2023.

The Center appointed Marina Perraki as the sole panelist in this matter on May 22, 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. Procedural Issue: Consolidation of Complainants**

The Complaint was filed by two Complainants. Per the Complaint, both Complainants belong to the same group of companies.

First Complainant is a multinational energy and technology company. Second Complainant is Complainants' group's intellectual property holding company and holds the registered rights on which the Complaint is relied upon.

According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1, paragraph 10(e) of the Rules grants a panel the power to consolidate multiple domain name disputes.

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.

The Panel notes that both Complainants have a common grievance against Respondent as the Domain Name targets the trademarks of their group of companies and that it would be equitable and procedurally efficient to permit the consolidation.

Therefore, the Panel finds that this Complaint consists of multiple Complainants that should, for the reasons discussed above, be permitted to have their Complaints consolidated into a single Complaint for the purpose of the present proceeding under the Policy. Respondent has not objected to the consolidation. The Panel therefore finds that it would be equitable and fair to permit the consolidation.

#### **5. Factual Background**

First Complainant is headquartered in California, United States of America. 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. It is the second largest energy company in the United States of America. First Complainant was founded in 1879, is currently active in over 180 countries and operates *inter alia* the CHEVRON brand. Most Complainants' group companies operate under trade names incorporating CHEVRON. First Complainant offers investment opportunities to its shareholders, as its shares are traded on Nasdaq stock exchange. In 2022, First Complainant 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.

Second Complainant holds the CHEVRON registered rights which Complainants rely on.

Complainants operate an official website at "www.chevron.com". Their CHEVRON LinkedIn page has 4,023,662 "followers" and "40,800 "employees". Complainants' CHEVRON Facebook page has 1,212,000 "followers".

Second Complainant is the owner of various CHEVRON trademark registrations including:

- the United States of America trademark registration no. 0364683 CHEVRON (word), filed on August 23, 1937 and registered on February 14, 1939 for goods in international class 4;

- the United Kingdom trademark registration no. UK00000638572 CHEVRON (word) filed on July 12, 1945 and registered on July 12, 1945 for goods in international class 4; and
- the European Union trademark registration no. 000095745 CHEVRON (word) filed on April 1, 1996 and registered on March 08, 1999 for goods in international classes 1, 2, 3, 4, 16, 17 and 19.

The Domain Name was registered on January 5, 2023. When the Domain Name came to Complainants' attention, it resolved to an active website (the Website), which mimicked that of Complainants and appeared to offer investment opportunities within the oil and gas industry. Respondent referred to itself on the Website as "Chevron Investment". The address information box on the Website claimed that Respondent's registered address was located at: "Gävlegatan 22, 113 30 Stockholm, Sweden". As Complainants demonstrated, according to the Swedish company registry, there is no legally registered company named "Chevron Investment" at that address, nor in Sweden in general. Furthermore, on the Website there was use of Complainants' CHEVRON trademark as part of Respondent's name and within text boxes, as well as a similar structure of the Website to that of Complainants'. Per the Complaint, on Complainants' request, Complainants successfully submitted a website takedown request to the relevant hosting provider and the hosting provider took down the Website.

Per Complainants the Domain Name was reported by a third-party cybersecurity company as "malicious", "dangerous" and as a potential "scam".

Currently and at the time of filing of the Complaint, the Domain Name resolves to an inactive website.

## **6. Parties' Contentions**

### **A. Complainants**

Complainants assert that they have established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Name.

### **B. Respondent**

Respondent did not reply to the Complainant's contentions.

## **7. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements, which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

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

The Domain Name incorporates Complainants' CHEVRON trademark in its entirety. This is sufficient to establish confusing similarity.

The addition of the word "investment" in the Domain Name, does not avoid a finding of confusing similarity

([WIPO Overview 3.0](#), section 1.8). The Panel also notes the content of the Website, which reproduced Complainant's trademark.

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds that the Domain Name is confusingly similar to Complainants' trademark.

Complainants have established Policy, paragraph 4(a)(i).

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

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to Respondent of the dispute, Respondent's use of, or demonstrable 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; or
- (ii) Respondent (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per Complainants, Respondent was not authorized to register the Domain Name.

Respondent has not demonstrated any preparations to use, or has not used the Domain Name or a trademark corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainants demonstrated, the Domain Name was used to host the Website to impersonate Complainants and attempt to mislead consumers into thinking that the Website originated from Complainants. Such use demonstrates neither a *bona fide* offering of goods nor a legitimate interest of Respondent (*Arkema France v. Aaron Blaine*, WIPO Case No. [D2015-0502](#)).

The Panel notes the use of Complainants' trademark in Respondent's name and within Website text boxes; the incorporation of relevant sub-sections such as "Investment" and "Login" and references to the oil and gas industry; and the offer of (competing) investment opportunities within the oil and gas industry.

Furthermore, the Domain Name was reported by a third-party cybersecurity company as "malicious", "dangerous" and as a potential "scam". The Website was taken down upon Complainants' request.

Last, the Panel notes that Respondent identified itself as "Chevron Investment" on the Website and falsely provided "CHEVRON" as the registrant organisation name. Furthermore, the address provided by Respondent was not found by Complainants.

These, along with the fact that the Domain Name was registered with a privacy shield service, speak against any rights or legitimate interests held by Respondent (*Ann Summers Limited v. Domains By Proxy, LLC* /

*Mingchun Chen*, WIPO Case No. [D2018-0625](#); *Carrefour v. WhoisGuard, Inc., WhoisGuard Protected / Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records*, WIPO Case No. [D2017-2533](#)).

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainants have established Policy, paragraph 4(a)(ii).

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

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of the Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith.

Because Complainants’ mark enjoys reputation, as repeatedly recognised (*e.g. Chevron Corporation and Chevron Intellectual Property LLC v. David Barrette, david enterprise*, WIPO Case No. [D2022-4890](#)) and had been widely used and registered by Complainants more than eighty years before the Domain Name registration, noting also the content of the Website, it is clear that Respondent had Complainants’ mark in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

Furthermore, the content of the Website gave the impression that it originated from Complainants, prominently displaying Complainant’s trademark, reproducing Complainants’ trademark in the purported company name under false contact details, thereby giving the false impression that the Website emanated from Complainants. This further supports registration in bad faith reinforcing the likelihood of confusion, as Internet users are likely to consider the Domain Name as in some way endorsed by or connected with Complainants ([WIPO Overview 3.0](#), section 3.1.4).

The above further indicates that Respondent knew of Complainants and chose the Domain Name with knowledge of Complainants and their industry (*Safepay Malta Limited v. ICS Inc.*, WIPO Case No. [D2015-0403](#)).

As regards bad faith use, Complainants demonstrated that the Domain Name was employed to host a Website which appeared falsely to be that of Complainants. The Domain Name had been operated by

intentionally creating a likelihood of confusion with Complainants' trademark and business. This further supports the finding of bad faith use (*Arkema France v. Aaron Blaine, supra*; *Aktiebolaget Electrolux v. Priscilla Quaiotti Passos*, WIPO Case No. [D2011-0388](#); and [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1).

Last, the Panel considers also the apparent concealment of the Domain Name holder's identity through use of a privacy shield at the time of filing the Complaint, to be further indicative of bad faith (*BHP Billiton Innovation Pty Ltd v. Domains By Proxy LLC / Douglass Johnson*, WIPO Case No. [D2016-0364](#)).

The Domain Name currently leads to an inactive website. The non-use of a domain name does not prevent a finding of bad faith (See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); [WIPO Overview 3.0](#), section 3.3).

Under these circumstances and on this record, the Panel finds that Respondent registered and used the Domain Name in bad faith.

Complainants have established Policy, paragraph 4(a)(iii).

## 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 disputed domain name, <chevron-investment.com> be transferred to the second Complainant.

/Marina Perraki/

**Marina Perraki**

Sole Panelist

Date: June 5, 2023