

ADMINISTRATIVE PANEL DECISION

Saudi Arabian Oil Co. v. Brenda Grace
Case No. D2023-1718

1. The Parties

The Complainant is Saudi Arabian Oil Co., Saudi Arabia, represented by Fish & Richardson P.C., United States of America (“United States”).

The Respondent is Brenda Grace, United States.

2. The Domain Name and Registrar

The disputed domain name <aramcotradex.ltd> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 19, 2023. On April 19, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 20, 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 amendment to the Complaint on April 20, 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 May 2, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 25, 2023.

The Center appointed Mihaela Maravela as the sole panelist in this matter on June 8, 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

According to information in the Complaint, the Complainant was founded in 1933 and is a large oil company. The Complainant maintains operations in Saudi Arabia and internationally, with subsidiaries and affiliates in the United Arab Emirates, the United States, China, Egypt, India, Japan, the Netherlands, Singapore, the Republic of Korea, and the United Kingdom. The Complainant has used the ARAMCO trademark, which is an acronym for “Arabian American Oil Company”, in connection with its oil production and processing since at least as early as 1944.

The Complainant has registered various trademarks consisting of ARAMCO, such as the European Union Trade Mark No. 012676045, registered on August 15, 2014. The Complainant is the registrant owner of the domain name <aramco.com> registered on January 27, 1994, that it uses as its official website.

The disputed domain name was registered on January 19, 2023, and it is used to resolve to a website promoting financial services and displaying the Complainant’s trademark and logo.

5. Parties’ Contentions

A. Complainant

The Complainant argues that the disputed domain name is identical to its distinctive ARAMCO trademark, with the mere addition of a descriptive and/or common term “tradex” and the generic Top-Level Domain (“gTLD”) “.ltd”. The Complainant further submits that the addition of the term “tradex” to the disputed domain name fails to alleviate confusion or distinguish the disputed domain name from the Complainant’s ARAMCO trademark.

With respect to the second element, the Complainant argues that the Respondent is not commonly known by the disputed domain name, because the Whois record indicates that the registrant of the disputed domain name is not registered to an entity that is identified as “Aramco”. Further, the Complainant submits that the Respondent is not associated or affiliated with the Complainant, nor has the Complainant granted any rights to the Respondent to use the famous ARAMCO trademark or the disputed domain name. Moreover, the Respondent has not used the disputed domain name in connection with a *bona fide* offering of goods or services or a legitimate noncommercial or fair use, as it directs to an imposter website designed to look like it is a legitimate website or website affiliated with or sponsored by the Complainant. Specifically, the website at the disputed domain name uses the Complainant’s identical ARAMCO trademark and logo.

As regards the third element, the Complainant argues that its ARAMCO trademark has been used since at least as early as 1944 and given the Complainant’s international success and the Respondent’s blatant copying of the ARAMCO trademark and logo on the website at the disputed domain name, it is clear that the Respondent registered the disputed domain name with full knowledge of the Complainant’s rights in the ARAMCO trademark, thus warranting a finding of bad faith. With respect to the use, the Complainant contends that the disputed domain name resolves to a website that copies and prominently features the ARAMCO trademark and logo. The content on the website further illustrates the Respondent’s bad faith in trying to defraud the Complainant’s legitimate customers by depicting ARAMCO branded goods and services. As per the Complainant, the Respondent is passing itself off as the Complainant in an attempt to divert Internet users to the Respondent’s website to offer unauthorized versions of the Complainant’s goods or services, which constitutes bad faith registration and use pursuant to paragraphs 4(b)(iii) and (iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

No response has been received from the Respondent in this case although “reasonably available means calculated to achieve actual notice” were employed as per paragraph 2(a) of the UDRP Rules. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following elements:

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

A. Identical or Confusingly Similar

Under paragraph 4(a)(i) of the Policy, the Complainant must prove that it has rights to a trademark, and that the disputed domain name is identical or confusingly similar to that trademark. This first element under the Policy functions primarily as a standing requirement. [WIPO Overview 3.0](#), section 1.7.

The Complainant has provided evidence of its rights in the ARAMCO trademarks by providing evidence of its trademark registrations.

As regards the second limb of the first element, the test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademark and the disputed domain name. It is well-established that the gTLD, in this case “.ltd” may be ignored when assessing the confusing similarity between the disputed domain name and the Complainant’s trademarks.

The trademark ARAMCO is reproduced in its entirety in the disputed domain name. The addition of “tradex” does not prevent a finding of confusing similarity with the Complainant’s trademark, which is recognizable in the disputed domain name. The fact that a domain name wholly incorporates a complainant’s trademark is sufficient to establish identity or confusing similarity for the purpose of the Policy, despite the addition of other words to such marks. The addition of an additional term (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity. See section 1.8 of the [WIPO Overview 3.0](#).

The Panel finds that the requirement of paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

As established by previous UDRP panels, it is sufficient for the Complainant to make a *prima facie* case demonstrating that the Respondent has no rights or legitimate interests in the disputed domain name in order to place the burden of production on the Respondent (see section 2.1 of the [WIPO Overview 3.0](#)).

In the present case, the Complainant has established that it holds rights over the ARAMCO trademark and claims that the Respondent has no legitimate reason to acquire and use the disputed domain name. There is no evidence that the Respondent is using the disputed domain name in connection with a *bona fide* offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraphs 4(c)(i) and (iii) of the Policy.

Rather, according to the un rebutted evidence put forward by the Complainant, the disputed domain name is used to resolve to a website promoting financial services and displaying the Complainant's trademark and logo. Absent authorisation from the Complainant, such use cannot confer rights or legitimate interests upon the Respondent.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

The Panel considers that the Complainant has made a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has failed to bring evidence to the contrary. Moreover, the nature of the disputed domain name, comprising the Complainant's trademark in its entirety cannot be considered fair as it falsely suggests an affiliation with the Complainant that does not exist (see section 2.5 of the [WIPO Overview 3.0](#)).

With the evidence on file, the Panel finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, "in particular but without limitation", be evidence of the disputed domain name's registration and use in bad faith.

The Complainant's registration and use of the relevant trademark predate the date at which the Respondent registered the disputed domain name. The Respondent has not denied knowledge of the Complainant. Under these circumstances, and also given the Complainant's trademark are reputed and the confusing similarity between the disputed domain name and the Complainant's trademark, as well as the use of the Complainant's trademark and logo on the website at the disputed domain name, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark, and with intention to target that trademark.

As regards the use, as indicated above, the disputed domain name is used to resolve to a website promoting financial services and displaying the Complainant's trademark and logo. In the circumstances of the case, the Panel accepts the Complainant's evidence and finds that the Respondent has taken the Complainant's trademark and incorporated it into the disputed domain name, without the Complainant's consent or authorization, for the likely purpose of capitalizing on the reputation of the trademark to infringe upon the Complainant's rights. Moreover, the Respondent has not formally participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good-faith use and considering the nature of the disputed domain name indeed none would seem plausible.

Based on the evidence and circumstances of this case, the Panel concludes that the requirement of paragraph 4(a)(iii) of the Policy is satisfied.

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 <aramcotradex.ltd> be transferred to the Complainant.

/Mihaela Maravela

Mihaela Maravela

Sole Panelist

Date: June 20, 2023