

## **ADMINISTRATIVE PANEL DECISION**

**QatarEnergy v. red market**

**Case No. D2023-2382**

### **1. The Parties**

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

The Respondent is red market, United States of America.

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

The disputed domain name <qatarpetrolaum.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 1, 2023. On June 2, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 3, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 June 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 28, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 29, 2023.

The Center appointed Christos A. Theodoulou as the sole panelist in this matter on July 11, 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, QatarEnergy, was called before Qatar Petroleum and changed its name on October 11, 2021. It is a Qatari State owned corporation founded in 1974, which operates all oil and gas activities in the state of Qatar, according to the uncontested allegations of the Complainant. The latter, is, *inter alia*, one of the world's leaders in the production of liquefied natural gas, according always to the uncontested allegations of the Complainant.

The Complainant is the owner of the QATAR PETROLEUM trademarks and its variations, all over the world. Its Qatar Petroleum marks are registered, but not limited, in the following countries:

- Brazilian Trade mark No. 919003257, QATAR PETROLEUM (and Device), registered on October 20, 2020;
- Chinese Trade mark No. 9800841, QATAR PETROLEUM (and Device), registered on October 28, 2013;
- European Union Trade mark No. 009712861, QATAR PETROLEUM (and stylised), registered on December 7, 2011;
- Mexican Trade mark No. 2103658, QATAR PETROLEUM (and Device), registered on July 30, 2020;
- Qatar Trade mark No. 69519, QATAR PETROLEUM (and Device), registered on August 3, 2011;
- Singapore Trademark No. 40202014075Q, QATAR PETROLEUM (and Device), registered on March 16, 2021; and
- United Kingdom Trade mark No. UK00909712861, QATAR PETROLEUM (stylised), registered on December 7, 2011.

Further, the Complainant owns domain names including <qatarpetroleum.org> and <qatarpetroleum.net>.

The disputed domain name <qatarpetrolaum.com> was registered on February 19, 2023. The disputed domain name does not resolve to an active webpage.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to trademarks or service marks in which the Complainant has rights, that the Respondent has no rights or legitimate interests in the disputed domain name and that the Respondent registered and is using the disputed domain name in bad faith.

##### B. Respondent

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

#### 6. Discussion and Findings

Before engaging in the threefold discussion of paragraph 4(a) of the Policy, the Panel will briefly address the procedural issue relating to the default of the Respondent. The implications of a default in this case are telling since the Complainant has the burden of proof, according to paragraph 4(a) of the Policy ("In the

administrative proceeding, the complainant must prove that each of these three elements are present”). As such, the Panel cannot merely grant the Complainant’s request automatically due to the default, but it has to examine instead the evidence presented to determine whether or not the Complainant has proved its case, as required by the Policy. See *FNAC v. Gauthier Raymond*, WIPO Case No. [D2004-0881](#); *Sonofon A/S v. Vladimir Aleksic*, WIPO Case No. [D2007-0668](#); *Gaudi Trade SpA v. Transure Enterprise Ltd*, WIPO Case No. [D2009-1028](#).

The Panel shall now proceed to the analysis of the evidence in this case, based on the three elements of paragraph 4(a) of the Policy.

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

The Complainant has presented evidence to demonstrate that it owns registered trademarks in “Qatar Petroleum”.

The mere fact that the Respondent has changed the letter “E” to “A” in the Complainant’s QATAR PETROLEUM trademark, added the generic Top-Level Domain (“gTLD”) “.com”, and presented one word instead of two does, not to this Panel affect the essence of the matter: the disputed domain name is confusingly similar to the trademark of the Complainant and, in the circumstances of this case, is by itself sufficient to establish the criterion of identity or confusing similarity for purposes of the Policy, as many previous UDRP panels have found. See *e.g.*, *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#); *Koninklijke Philips Electronics N.V. v. K. Harjani Electronics Ltd.*, WIPO Case No. [D2002-1021](#); *DFDS A/S v. NOLDC INC*, WIPO Case No. [D2006-1070](#); *American Automobile Association, Inc. v. Bladimir Boyiko and Andrew Michailov*, WIPO Case No. [D2006-0252](#).

In view of the above, the Panel finds that the Complainant has discharged its burden of proof on this point and holds that the disputed domain name <qatarpetrolaum.com> is confusingly similar to the Complainant’s trademark QATAR PETROLEUM.

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

Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances which, if found by a panel to be proved based on its evaluation of the evidence presented, shall demonstrate a registrant’s right to or legitimate interest in a domain name. These examples are discussed in turn below, with regard to the specific facts of this case:

- (i) Use or demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services prior to the dispute:

The Respondent is not making a *bona fide* offering of goods.

- (ii) An indication that the Respondent has been commonly known by the disputed domain name, even if it has acquired no trademark rights:

In this case, there is no such indication from the present record.

- (iii) Legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks at issue:

Again, in this case there is no such indication from the record.

Moreover, the Respondent does not seem to have any trademark registrations including the term “qatarpetroleum” or “qatarpetrolaum”. Additionally, it is to be noted that the Respondent did not present evidence of any license by the Complainant, with whom there seems to exist no relationship whatsoever.

Furthermore, the typographical error in the Complainant's trademark represented in the disputed domain name replacing the letter "e" with "a" is demonstrative of the Respondent's lack of rights or legitimate interests. Such typographical error illustrates the Respondent's intent to mislead unsuspecting Internet users, unaware of the error in the disputed domain name and expecting to find the Complainant.

As a conclusion on this point, the Panel finds that the Complainant has established an uncontested, *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

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

Paragraphs 4(b)(i) to 4(b) (iv) of the Policy mention circumstances in order to demonstrate bad faith registration and use of a disputed domain name.

According to the uncontested allegations of the Complainant, the Respondent registered the disputed domain name in bad faith, since 1) its physical address in the Whois record appears to be false, and 2) the Complainant had an established and well-known trade mark and the Respondent registered the disputed domain name in knowledge of the Complainant's rights.

Further, Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's 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 domain name may be put. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 3.3. Having reviewed the record, the Panel notes the composition of the disputed domain name, being a typo-squatted version of the Complainant's trademark, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Finally, the default of the Respondent in the present circumstances seems to reinforce "the inference of bad faith registration and bad faith use" (*The Hong Kong and Shanghai Banking Corporation Limited v. Bill Lynn*, WIPO Case No. [D2001-0915](#)).

As a consequence of the above, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith.

### **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 <qatarpetrolaum.com> be transferred to the Complainant.

*/Christos A. Theodoulou/*

**Christos A. Theodoulou**

Sole Panelist

Date: July 25, 2023