

## **ADMINISTRATIVE PANEL DECISION**

Equinor ASA v. lary ann

Case No. D2023-2525

### **1. The Parties**

The Complainant is Equinor ASA, Norway, represented by Valea AB, Sweden.

The Respondent is lary ann, United States of America.

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

The disputed domain name <hr-equinor.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 12, 2023. On June 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 13, 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 June 13, 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 June 14, 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 June 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2023. The Respondent sent an informal email on June 13, 2023.

The Center appointed George R. F. Souter as the sole panelist in this matter on July 20, 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 Norwegian energy company, formerly named Statoil ASA. It changed its name to Equinor ASA in 2018, to reflect the development in the energy sector, with its shifting focus from oil and gas to renewable energy sources, such as wind and solar power. The change of name was widely advertised internationally.

The Complainant has applied for registration of its EQUINOR trademark in many jurisdictions, and is the proprietor of European Trademark Registration No. 17900772, registered on January 18, 2019, and United States Trademark Registration No. 6436681, registered on March 8, 2021, among others.

The disputed domain name was registered on June 9, 2023, and currently resolves to an index page.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant alleges that the disputed domain name is confusingly similar to its EQUINOR trademark, containing its EQUINOR trademark in its entirety, together merely with the letters "hr", which the Complainant alleges to be descriptive, as the letters "hr" are in common use as initials of the descriptive term "human resources", which describes the personell department function in many, if not most, companies.

The Complainant alleges that the Respondent lacks rights or legitimate interests in the disputed domain name, in particular that, to the best of the Complainant's knowledge, the Respondent is not generally known by the disputed domain name, and the Complainant has never granted permission to the Respondent to use its EQUINOR trademark in connection with the registration of a domain name, or otherwise.

The Complainant alleges that the disputed domain name was registered in bad faith, and is being used in bad faith in connection with the website referred to above.

##### **B. Respondent**

The Respondent sent an informal message on June 13, 2023, but did not reply to the Complainant's contentions.

#### **6. Discussion and Findings**

##### **A. Confusing Similarity**

The Panel finds that the Complainant has rights to the trademark EQUINOR for the purposes of these proceedings.

It is well established in prior decisions under the UDRP, with which the Panel agrees, that a generic TopLevel Domain ("gTLD") may generally be disregarded when comparing a trademark with a disputed domain name. The Panel finds that the gTLD ".com" may be disregarded in the circumstances of the present case.

The Complainant's EQUINOR trademark is instantly recognizable in the disputed domain name, rendering the disputed domain name confusingly similar to the Complainant's trademark. The addition of the letters "hr" does not detract from this finding. Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

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

The Panel considers that the Complainant's allegations are sufficient to provide a *prima facie* case under this heading.

It is the consensus view of UDRP panels, with which the Panel agrees, that a *prima facie* case advanced by the complainant will generally be sufficient for the complainant to be deemed to have satisfied the requirement of paragraph 4(a)(ii) of the Policy, provided the respondent does not come forward with evidence demonstrating rights or legitimate interests in the disputed domain name.

The Respondent did not advance any claim of rights or legitimate interests in the disputed domain name to rebut this *prima facie* case.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

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

The Panel is of the view that the finding that the Respondent has no rights or legitimate interests in a disputed domain name can lead, in appropriate circumstances, to a finding of registration of a disputed domain name in bad faith. The circumstances of the present case, in which the Panel regards it as self-evident that the Complainant's EQUINOR trademark was deliberately appropriated in the disputed domain name, are such that the Panel concludes that a finding of registration in bad faith is justified, in connection with the disputed domain name and so finds.

Since the decision in *Telstra Corporation v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), it has become well-established in subsequent decisions that non-use of a disputed domain name does not prevent a finding of use in bad faith if a complainant can demonstrate that any good faith use of the domain name is implausible. The circumstances of the present case are such that the Panel considers that a finding of use in bad faith is clearly appropriate, and so finds.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(iii) of the Policy.

## **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 <hr-equinor.com> be transferred to the Complainant.

*/George R. F. Souter/*

**George R. F. Souter**

Sole Panelist

Date: August 3, 2023