

ADMINISTRATIVE PANEL DECISION

QatarEnergy v. Hammer Ha
Case No. D2023-2530

1. The Parties

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

The Respondent is Hammer Ha, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <qatarenergyoil.vip> is registered with Gname.com Pte. Ltd. (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 amended Complaint on June 16, 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 June 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 13, 2023.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on July 18, 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 corporation founded in 1974, which operates all oil and gas activities in the State of Qatar. The Complainant's revenues from oil and natural gas together amount to 60% of the national GDP of the State of Qatar.

According to the Complainant's assertions, as of 2018, it was the third largest oil corporation in the world by oil and gas reserves. In 2021, the Complainant was listed as the No. 2 among the "Top 10 Unlisted Companies in Qatar" by Forbes Middle East.

The Complainant has made substantial investments to develop a strong presence online. On October 11, 2021, the Complainant changed its name from Qatar Petroleum to QatarEnergy. The Complainant's rebranding was widely reported by the press.

The Complainant has registered numerous trademarks consisting of QATARENERGY or QATAR ENERGY including the European Union trademark QATAR ENERGY (figurative) No. 018573695, registered on April 19, 2022. The Complainant is also the owner of numerous domain names including the QATARENERGY trademark, for instance <qatarenergy.qa> and <qatarenergy.com.qa>.

The disputed domain name was registered on March 14, 2023. The disputed domain name resolves to a website that shows several direct references to the Complainant, including a modified logo, and a login field for users to enter their credentials.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's mark registered and used worldwide. Annex 8 of the Complaint establish the veracity of this fact.

The disputed domain name incorporates the Complainant's QATARENERGY trademark in its entirety with the addition of the descriptive term "oil" – the expression chosen by the Respondent to compose the disputed domain name together with the mark QATARENERGY is directly related to the Complainant's main activities. The Complainant submits that the textual element of its trademark, QATARENERGY, is readily recognizable in the disputed domain names, rendering the disputed domain name confusingly similar to the Complainant's trademark.

The Complainant alleges that the Respondent does not have rights or legitimate interests in the disputed domain name.

The disputed domain name adopted by the Respondent – a reproduction of the Complainant's registered mark associated with a descriptive expression – shows a clear intention of misleading the Internet users, as it hosted a platform for both Android and iPhone via which users could supposedly invest in oil-related products (see Annex 9 to the Complaint). The Complainant contends that the platform is further described in an associated YouTube video, the comments under which reflect various frustrated Internet users that wish to filed complaints regarding their inability to retrieve funds and losses due to their interaction with the disputed domain name.

The Complainant hence contends that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

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

A. Identical or Confusingly Similar

The disputed domain name is confusingly similar to the QATARENERGY trademark, as it is entirely incorporated in the disputed domain name.

The Complainant has presented consistent evidence of ownership of the trademark QATARENERGY in jurisdictions throughout the world, by presenting a substantial number of registrations for them, as well as comprehensive evidence of the use of the trademark.

The disputed domain name is confusingly similar to the trademark belonging to the Complainant, since this mark is entirely reproduced in the disputed domain name registered by the Respondent with the addition of the term “oil”. According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Further, it is well established that “.vip”, as a generic Top-Level Domain (“gTLD”), may be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant’s mark (section 1.11.1 of the [WIPO Overview 3.0](#)).

Given the above, the Panel concludes that the disputed domain name is confusingly similar to the registered trademark of the Complainant.

B. Rights or Legitimate Interests

The Panel understands that the mark QATARENERGY is naturally associated with the Complainant, since it is not only registered in its name, but also has been used to identify the activities of the Complainant for several years.

Further, the Complainant provided evidence of the renown of the mark QATARENERGY and its activities worldwide. Hence, the Panel considers that the Respondent, in all likelihood, could not be unaware of the mark QATARENERGY and its direct relation to the Complainant.

In addition, the Complainant presented evidence that the disputed domain name led to a webpage showing a slightly modified version of the Complainant’s logo, and used to host a platform via which users could supposedly invest in oil-related products, as shows Annex 9 to the Complaint. Given the construction of the disputed domain name, coupling the Complainant’s trademark with the descriptive term “oil”, the use and content at the disputed domain name reinforce the implied affiliation and suggests that Respondent’s intent behind the disputed domain name was to associate it with the Complainant for the Respondent’s commercial gain.

The Panel is satisfied that the Complainant has made *prima facie* showing of the Respondent’s lack of rights or legitimate interests in the disputed domain name. This has not been rebutted by the Respondent.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. While the Respondent used the name “qatarenergy” for the purposes of registering the disputed domain name, that does not in itself give rise to rights or legitimate interests in the disputed domain name, particularly as the Respondent’s name has been disclosed as, “Hammer Ha”, which bears no similarities to the disputed domain name at all.

The Respondent has used the disputed domain name to host a fraudulent platform wherein users are requested to enter login credentials and invest funds, the interactions ultimately seeming to result in Internet users losing access to their funds. Such fraudulent use can never confer rights or legitimate interests upon a response. See [WIPO Overview 3.0](#), section 2.13.

Thus, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name. For this reason, the Panel believes that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Given the circumstances of this case, the facts outlined in Section B above can also evidence the Respondent’s bad faith in the registration and use of the disputed domain name.

The Respondent intended to give an overall impression that the disputed domain name is associated with the Complainant, and the Panel accepts that the disputed domain name is intended to capitalize on the fame and goodwill of the Complainant’s trademark. The disputed domain name has been used to represent falsely that the Respondent is either authorized by the Complainant to offer investment opportunities, or that the Respondent is part of the Complainant’s group. The Respondent has acted in bad faith by registering and using the disputed domain name as part of a scam to impersonate the Complainant.

All the points above lead to the conclusion by this Panel that the Respondent was fully aware of the Complainant when registering the disputed domain name and that the Respondent registered and is using the disputed domain name in bad faith.

The Panel finds that the Complainant has also proved the third element 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 <qatarenergyoil.vip> be transferred to the Complainant.

/Alvaro Loureiro Oliveira/

Alvaro Loureiro Oliveira

Sole Panelist

Date: August 1, 2023