

ADMINISTRATIVE PANEL DECISION

Subsea 7 Limited v. James Huntley

Case No. D2023-2531

1. The Parties

The Complainant is Subsea 7 Limited, United Kingdom, represented by Keltie LLP, United Kingdom.

The Respondent is James Huntley, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <subsea7uk.com> (the “Domain Name”) 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 7, 2023. On June 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 13, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (GDPR Masked) 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 13, 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 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 9, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 11, 2023.

The Center appointed Ian Lowe 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 Complaint is silent as to the activities of the Complainant, but it appears from an online search of UK Companies House to have been incorporated in 2001 and to have changed its name to its current name in June 2002. From brief searches of the website at “www.subsea7.com” the Complainant appears to be part of the Subsea 7 S.A. Group (“Subsea 7”) which is registered in Luxembourg and whose shares are listed on the Oslo Børs. Subsea 7 appears to be engaged in a wide range of offshore operations. According to the “What We Do” webpage:

“Subsea 7’s offshore operations span five decades, successfully completing over 1000+ projects.

Working in all water depths across all energy hubs, our engineering expertise, alliances and specialist technologies enable us to engage early so that our multi-disciplinary teams can design and deliver the solutions that our clients want.”

According to its Annual Report 2022, available on its website, Subsea 7’s revenue in 2022 was USD 5.1 billion.

The Complainant (and its predecessor) is the proprietor of a number of registered trademarks comprising SUBSEA 7 including United Kingdom trademark number 2304950 SUBSEA 7 registered on April 21, 2006, and European Union trademark number 11426335 SUBSEA 7 registered on May 13, 2013.

The Domain Name was registered on May 23, 2022, and does not currently resolve to an active website. The Domain Name has been used to send emails, impersonating and purporting to be from the CEO of the Complainant, to at least three United States law firms claiming to be interested in retaining the law firms to represent the Complainant in the United States in business transactions.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its SUBSEA 7 trademarks, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 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 Complainant has uncontested rights in the trademark SUBSEA 7, both by virtue of its trademark registrations and as a result of the goodwill and reputation acquired through use by the Complainant of the SUBSEA 7 mark over a number of years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name is identical to the Complainant’s mark save for the addition of the geographic term “uk”. In the Panel’s view, this addition does not prevent a finding of confusing similarity between the Domain Name and the Complainant’s mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a mark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The use of the Domain Name for an email address intended to deceive recipients into believing that emails were sent from a legitimate account of the Complainant could not possibly demonstrate rights or legitimate interests. The Respondent has chosen not to respond to the Complaint and has accordingly failed to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

Given the nature of the Domain Name and its use for fraudulent emails purporting to originate with a senior employee of the Complainant, the Panel considers it inconceivable that the Respondent did not have the Complainant and its rights in the SUBSEA 7 mark in mind when it registered the Domain Name. In the Panel’s view, it is very likely that the Respondent has sent such emails with a view to phishing for personal and/or financial information or for other illegitimate activities. The registration and subsequent use of the Domain Name to send fraudulent emails of the kind described above amounts to paradigm bad faith registration and use for the purposes of paragraph 4(a) 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 Domain Name <subsea7uk.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: August 1, 2023