

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Justin Snow, Justinsnow llc.
Case No. D2023-2649

1. The Parties

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

The Respondent is Justin Snow, Justinsnow llc, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <equinoroilandgascompany.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 20, 2023. On June 20, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 20, 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 (PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 22, 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 26, 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 July 11, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 31, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 1, 2023.

The Center appointed Elise Dufour as the sole panelist in this matter on August 16, 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 Equinor ASA (“Complainant” or “Equinor”) is a Norwegian corporation, formerly known as Statoil ASA, and is a broad international energy company with operations in more than 30 countries around the world developing oil, gas, wind and solar energy.

Founded in 1972 as The Norwegian State Oil Company (Statoil), Complainant has developed a reputation for quality energy goods and services. Statoil ASA publicly changed their name to Equinor in 2018 to reflect a transition to a focus on renewable energy.

The Complainant owns numerous trademark registrations for EQUINOR all over the world, including the following:

- European Union Registration No. 017900772, for EQUINOR, registered on January 18, 2019;
- Norway Registration No. 298813, for EQUINOR, registered on June 12, 2018;
- International Registration No. 1444675, for EQUINOR, registered on July 4, 2018;
- United States Registration No. 6,436,681, for EQUINOR, registered on August 3, 2021.

The Complainant is also the owner of more than 100 domain name registrations throughout the world containing the EQUINOR mark distributed among generic Top-Level Domains (“gTLDs”) and country code Top-Level Domains (“ccTLDs”).

The disputed domain name was registered on June 16, 2023 and resolves to a parking page of the hosting provider.

5. Parties’ Contentions

A. Complainant

The Complainant argues that the disputed domain name is confusingly similar to the Complainant’s trademark EQUINOR as it incorporates the entire trademark. According to the Complainant, EQUINOR is recognizable within the disputed domain name.

In addition, the Complainant mentions that the Respondent has no rights to or legitimate interests in respect of the disputed domain name based on the Complainant’s prior use of its trademark EQUINOR and company name Equinor and that the Respondent is not affiliated or related to the Complainant in any way.

The Complainant alleges that the Respondent is not using the domain name in connection with any legitimate noncommercial or fair use and that it is not known by the disputed domain name.

Also, the Complainant says that the Respondent registered and is using the disputed domain name in bad faith by creating a likelihood of confusion with the Complainant’s trademark, since:

- the Complainant’s trademark is well known and distinctive;
- the Respondent used a privacy service to hide its identity;
- the disputed domain name resolves to an inactive webpage;
- The mail exchange (“MX”) records has been activated for the disputed domain name, which means that it can be used to potentially send out phishing emails to harm the Complainant;

- The addition of the terms “oilandgascompany” will not decrease the likelihood of confusion as the energy sector is the Complainant’s primary area of interest. On the contrary, for the Complainant, it is highly likely that the disputed domain name has been carefully chosen to attract Internet users by giving the impression that the disputed domain name has a legitimate connection to the Complainant.

Finally, the Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The evidence presented demonstrates that the Complainant is the owner of the trademark EQUINOR in distinct countries, as well as several domain names comprising the Complainant’s trademark EQUINOR.

The Complainant’s trademark predates the registration of the disputed domain name.

The disputed domain name comprises the Complainant’s trademark EQUINOR in its entirety. As numerous prior UDRP panels have recognized, the incorporation of a trademark in its entirety or a dominant feature of a trademark is sufficient to establish that a domain name is identical or confusingly similar to the Complainant’s mark. See section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

The addition of the terms “oil”, “and”, “gas” and “company” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademark, since the registered trademark EQUINOR is recognizable within the disputed domain name.

It is the general view among UDRP panels that the addition of merely dictionary, descriptive or geographical words to a trademark in a domain name does not prevent a finding of confusing similarity under the first element of the UDRP (section 1.8 of the [WIPO Overview 3.0](#)).

The Panel finds that paragraph 4(a)(i) of the Policy has been proved by the Complainant, *i.e.*, the disputed domain name is confusingly similar to the Complainant’s trademark.

B. Rights or Legitimate Interests

The Respondent has not submitted a response to the Complaint.

There is no evidence that the Respondent has any authorization to use the Complainant’s trademark or to register domain names containing the trademark EQUINOR.

There is no evidence that the Respondent is commonly known by the disputed domain name.

There is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, or that before any notice of the present dispute the Respondent has made use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services.

Moreover, the construction of the disputed domain name itself, comprising the Complainant’s trademark in its entirety and terms relevant to the Complainant’s business, is such to carry a risk of implied affiliation that cannot constitute fair use.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(ii) of the Policy has been satisfied, *i.e.* the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

Under section 3.3 of the [WIPO Overview 3.0](#), the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Previous UDRP panels have held that the passive holding of a domain name that incorporates a well-known trademark may confirm the bad faith use of a disputed domain name.

While panels 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. These bad faith consideration factors are produced in section 3.3 of the [WIPO Overview 3.0](#). When considered the present circumstances of the case, namely (i) the degree of distinctiveness or reputation of the EQUINOR trademark, (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 (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the misleading disputed domain name may be put.

The Complainant has produced evidence showing that it owns registrations for the EQUINOR trademark, of which registration dates significantly precede the registration date of the disputed domain name.

In addition, the Complainant has credibly submitted that over the years it has developed substantial goodwill in the EQUINOR trademark. The Panel is convinced that the Complainant's trademark is well established through long and widespread use and the Complainant has acquired a significant reputation and goodwill in its trademark.

Furthermore, according to section 3.1.4 of the [WIPO Overview 3.0](#), the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Given the reputation of the EQUINOR trademark, registration in bad faith can be inferred.

Finally, the Respondent has failed to submit a response or to provide any evidence of actual or contemplated good faith use of the disputed domain name. To the contrary, the Complainant has provided evidence that MX records have been established for the disputed domain name, indicating that the disputed domain name is likely being used to send email messages, perhaps of a fraudulent nature.

Here, the Panel considers also the concealment of the true identity of the Respondent through use of a privacy shield to be a further indication of bad faith.

In light of the aforesaid and applying the above-referenced factors, the Panel establishes that the Respondent registered and is using the disputed domain name in bad faith.

The third element of paragraph 4(a) of the Policy is therefore 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 <equinoroilandgascompany.com> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: August 30, 2023