

ADMINISTRATIVE PANEL DECISION

Chevron Corporation and Chevron Intellectual Property LLC v. prasad Nalluri
Case No. D2023-2992

1. The Parties

The Complainants are Chevron Corporation (the “First Complainant”), United States of America (“United States”), and Chevron Intellectual Property LLC (the “Second Complainant”), United States, represented by Demys Limited, United Kingdom.

The Respondent is prasad Nalluri, India.

2. The Domain Name and Registrar

The disputed domain name <chevroncorp.org> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 12, 2023. On July 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainants on July 18, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amended Complaint on July 19, 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 July 31, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 21, 2023.

The Center appointed James Bridgeman as the sole panelist in this matter on September 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.

Preliminary Request for Consolidation of Complainants

The Complainants apply to permit this Complaint to be brought by both Complainants against a single respondent and in support of their request refer to paragraph 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") which notes:

"In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation."

The Complainants contend that the First Complainant uses the CHEVRON mark and the Second Complainant is the intellectual property holding corporation within the Complainants' group.

It is submitted that they have a specific common grievance against the Respondent, in that the Respondent has targeted both Complainants' rights. As detailed below, the disputed domain name takes unfair advantage of the First Complainant's CHEVRON brand and is confusingly similar to the Second Complainant's registered rights. The Complainants contend that the Respondent will not be prejudiced by the Complaint being brought jointly by both Complainants.

In the interests of procedural fairness and efficiency, this Panel allows the Complainants' request. They are each part of the same commercial group, each use and have rights in the name and eponymous mark CHEVRON, and each are impacted by the Respondent's registration and use of the confusingly similar disputed domain name. There is no reason as to why allowing this application would prejudice the Respondent.

4. Factual Background

The First Complainant is a multinational energy and technology company and the Second Complainant is the First Complainants' group's intellectual property holding company. The Second Complainant holds a portfolio of trademark and service mark registrations for the CHEVRON mark including the following:

- United States registered trademark CHEVRON, registration number 364683, registered on the Principal Register on February 14, 1939 for goods in international class 4;
- United Kingdom registered trademark, CHEVRON, registration number UK00000638572, registered on July 12, 1945 for goods in class 4;
- European Union trademark, CHEVRON, registration number 000095745, registered on March 8, 1999 for goods in classes 1, 2, 3, 4, 16, 17, and 19;
- European Union trademark, CHEVRON (figurative), registration number 015759095, registered on December 30, 2016 for services in classes 35, 37, and 39.

The Complainants have an established Internet presence and operate an official website at "www.chevron.com".

The disputed domain name <chevroncorp.org> was registered on February 2, 2023 and resolves to an inactive webpage as a consequence of the Complainants' successful take down notice. Prior to the take-down the disputed domain name resolved to a website that purported to impersonate the Complainants by imitating the look and feel of the Complainants' own official website, featuring a copyright notice, an official promotional video of the Complainants on renewable gas, presenting itself as "Chevron" in the footer of the website and extensively using the Complainants' trademarks.

There is no information available about the Respondent except for that provided in the Complaint as amended, the Registrar's Whois for the disputed domain name and the information provided by the Registrar in response to the request by the Center for details of the registration of the disputed domain name in the course of this proceeding.

5. Parties' Contentions

A. Complainants

The Complainants request that the disputed domain name be transferred to the Second Complainant.

The Complainants each claim rights in the CHEVRON mark submitting that the First Complainant is a multinational energy and technology company primarily engaged in the oil and gas industry, including the production and distribution of chemicals and the development of alternative energy sources and renewable fuels. The company operates in the world's major oil and gas regions and is the second largest energy company in the United States.

The First Complainant was founded in 1879, is currently active in over 180 countries and operates brands including Chevron, Texaco, and Caltex. The CHEVRON brand is used in association with approximately 7,000 branded retail gasoline service stations in North America, as well as branded retail and commercial lubricants, such as motor oils, which are distributed and sold worldwide.

In 2022, the First Complainant was ranked as the 26th-largest public company in the world in Forbes' Global 2000 list, an annual ranking of the top 2,000 public companies in the world based on sales, profit, assets and market value.

The Second Complainant is Complainants' group's intellectual property holding company and is the registered owner of the trademark and service mark registrations described herein.

The Complainants add that their CHEVRON brand is well known around the world and to illustrate this have produced screenshots of a selection of example social media websites which are collectively followed by millions of people including on LinkedIn (4,023,662 "followers", 40,800 "employees": Facebook (1,212,000 "followers"), Twitter (sic) (386,700 "followers") Instagram (74,000 "followers"), You Tube (36,600 "subscribers").

The Complainants allege that the disputed domain name is confusingly similar to the CHEVRON mark in which they have rights, arguing that viewed as a whole, the disputed domain name incorporates the Complainants' CHEVRON mark in its entirety, differing only by the addition of the term "corp", presumably in this context an abbreviation of the generic term "corporation".

The First Complainant's trading name is "Chevron Corporation" and as such, the adornment is strongly associated with the Complainants and does nothing to distinguish the disputed domain name from the Complainants and their marks. The adornment "corp" therefore only serves to increase the potential for confusion. See *Nipro Corporation v. Proxy Protection LLC / Gianfranco Vestuto*, WIPO Case No. [D2021-3070](#) ("The trademark NIPRO is included in its entirety in the disputed domain name. The fact that the Respondent has added the term "corp", meaning corporation, and the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name do not prevent a finding of confusing similarity.")

For completeness the Complainants add that the generic Top-Level Domain ("gTLD") ".org" is required only for technical reasons and, as is common in proceedings under the Policy may be ignored for the purposes of comparison of the disputed domain name to the Complainants' mark.

It is next alleged that the Respondent has no rights or legitimate interests in the disputed domain name arguing that the Respondent is not known as CHEVRON.

It is submitted that the Complainants have found no evidence that the Respondent has been commonly known as CHEVRON or "Chevron Corp" prior to or after the registration of the disputed domain name, or that the Respondent has ever traded legitimately under the names CHEVRON or "Chevron Corp". Additionally, the Complainants have found no evidence that the Respondent owns any trademarks incorporating the terms CHEVRON or "chevron corp".

The Complainants also assert that the Respondent is not a licensee of the Complainants and has not received any permission or consent from either Complainant, collectively or singly, to use their mark. While the disputed domain name does not resolve to an active website at the time of submission of this Complaint because the Complainants successfully submitted a website takedown request to the relevant hosting provider, a screen capture of the website to which the disputed domain name has resolved in the past is exhibited in an annex to the Complaint.

The Complainants observe that the exhibited website purported to be operated by or associated with the Complainants, as evidenced by the use of the Complainants' CHEVRON mark at the top of the site and/or within text boxes; the statement on the bottom of the webpage in which the Respondent presented itself as "Chevron" (as commonly used when referring to the First Complainant's trading name "Chevron Corporation"); the incorporation of the Complainants' official video on renewable gas.

The Complainants further submit that the exhibited screen captures show that the Respondent's initial website had a largely identical look and feel to the Complainants' own corporate style as the Respondent scraped the structure of website, colours, font and headline titles from the Complainant's official website "www.chevron.com".

The Complainants contend that no such misleading and confusing use could relate to a genuine, *bona fide* offering of goods and services and such use could not grant the Respondent a legitimate interest in the disputed domain name.

For completeness, the Complainants add that the disputed domain name currently does not resolve to an active website, which constitutes passive holding and, as such, it has not been used in connection with a *bona fide* offering of goods or services.

In terms of passive holding and its relation to legitimate interests, the Complainants refer to *Microsoft Corporation v. Charilaos Chrisochou*, WIPO Case No. [D2004-0186](#) ("The Respondent is not currently making an active use of the domain name. According to previous panel decisions under the UDRP, the passive holding of domain names has however not been deemed sufficient to establish legitimate interests or bona fide use of a domain name.")

The Complainants contend that given the fame of their marks (as outlined above) and the confusing similarity of the disputed domain name to said mark, there is no conceivable use to which the disputed domain name could be put now, or in the future, that would confer any legitimate interest upon the Respondent.

Next the Complainants submit that the disputed domain name was registered and is being used in bad faith arguing that because the Complainants' marks are well-known, it is inconceivable that the Respondent did not have the Complainants firmly in mind when it acquired the disputed domain name.

The disputed domain name incorporates the Complainants' mark in its entirety and merely adds the term "corp" (abbreviation of the term "corporation") which is further descriptive in respect to the First Complainant's trading name, Chevron Corporation. As such, the Complainants contend that the disputed domain name is, at first glance, designed to create an initial interest confusion among Internet users.

The Complainants add that any initial interest confusion was not dispelled upon the arrival of an Internet user on the website associated with the disputed domain name which in the past largely copied the look and feel of the Complainants' own website and incorporated the Complainants' CHEVRON word and figurative trademarks prominently on the top and bottom of the website.

Furthermore, the Respondent's website also presented itself as "Chevron", as commonly used when referring to the First Complainant's trading name "Chevron Corporation", and incorporated an official video published by the Complainants' on their renewable gas.

As noted, the Respondent is not endorsed by or otherwise associated with the Complainants and the Respondent is not authorized to operate a website (or any other publication) under the Complainants' brand. The Complainants express a concern that the disputed domain name has been configured with MX records and is therefore capable of email communication, and aver, that since the disputed domain name is confusingly similar to the Complainants' mark and their official website at <chevron.com> that anyone receiving an email originating from the disputed domain name would reasonably assume that it was sent from the Complainants. Citing *Klarna Bank AB v. WhoisGuard Protected, WhoisGuard, Inc. / Melanie Forster*, WIPO Case No. [D2021-0756](#) ("The configuration of MX records for email is indicative of probable use of the disputed domain name for the purpose of impersonating Complainant and misleading Internet users.").

The Complainants add that on the date on which this Complaint was filed, the website associated with the disputed domain name was "passively held" and assert that such passive holding of the disputed domain name constitutes bad faith. The Complainants refer to section 3.3 of the [WIPO Overview 3.0](#) which notes: "From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. 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."

As to the degree of distinctiveness or reputation of the Complainants' mark, it is submitted that the Complainants are very well known worldwide, and their marks have been used for many years prior to the registration of the disputed domain name.

As to the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, the Complainants note that the hosting provider took down the website associated with the disputed domain name on the Complainants' request. The Complainants contend that this is strongly indicative that the Respondent was unable to provide the hosting provider with any credible evidence that the website associated with the disputed domain was used for any *bona fide* purpose.

As to the Respondent's concealment of its identity or use of false contact details (noted to be in breach of its registration agreement), it is noted that the Respondent has redacted, or allowed the redaction, of its details from the public Whois.

As to the implausibility of any good faith use to which the domain name may be put, it is argued that given the fame, widespread use and reputation of the Complainants and the copied look and feel of the Respondent's website, as outlined above, the Complainants contend that it is inconceivable that the Respondent could have registered the disputed domain name without the Complainants' marks in mind or with good-faith intentions.

The Complainants add that the use of a privacy service by the Respondent is indicative of bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy requires the Complainants to establish that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of 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

Complainants' Rights

The Complainants have provided convincing, uncontested evidence that they have rights in the CHEVRON mark, established by the Second Complainant's ownership of the portfolio of trademark and service mark registrations as an intellectual property corporation with the Complainants' group, and the extensive use of the mark described above which has created an international reputation and goodwill for the Complainants in the petrochemical industry.

Confusing Similarity

The disputed domain name <chevroncorp.org> consists of the Complainants' CHEVRON mark in its entirety in combination with the term "corp" and the gTLD ".org".

The Complainants' CHEVRON mark remains recognizable in the disputed domain name. The addition of the term "corp" to the Complainants' mark within the disputed domain name does not prevent a finding of confusing similarity.

Similarly, the gTLD ".org" does not prevent a finding of confusing similarity as the circumstances of this proceeding, it would be considered to be a necessary technical requirement for a domain name registration.

This Panel finds therefore that the disputed domain name is confusingly similar to the CHEVRON mark in which the Complainants have rights, and the Complainants have therefore succeeded in the first element of the test in Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Complainants have made out a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name arguing that

- the Complainants have found no evidence that the Respondent has been commonly known as CHEVRON or "Chevron Corp" prior to or after the registration of the disputed domain name;
- the Respondent has never traded legitimately under the names CHEVRON or "Chevron Corp";
- the Complainants have found no evidence that the Respondent owns any trademarks incorporating the terms CHEVRON or "Chevron Corp";
- the Respondent is not a licensee of the Complainants;
- the Respondent has not received any permission or consent from either Complainant, collectively or singly, to use their mark;

- while the disputed domain name does not resolve to an active website at the time of submission of this Complaint because the Complainants successfully submitted a website takedown request to the relevant hosting provider, the screen capture of the website to which the disputed domain name has resolved in the past which is exhibited in an annex to the Complaint, shows that the website purported to be operated by or associated with the Complainants, as evidenced by the use of the Complainants' CHEVRON mark at the top of the site and/or within text boxes; a copyright notice and the statement on the bottom of the webpage in which the Respondent presented itself as "Chevron" (as commonly used when referring to the First Complainant's trading name "Chevron Corporation"); the incorporation of the Complainants' official video on renewable gas; and references to the Complainants' TEXACO brand in several textboxes across the website (namely, "Texaco stations" and "Texaco mobile app");
- the exhibited screen capture also shows that the Respondent's initial website had a largely identical look and feel to the Complainants' own corporate style as the Respondent scraped the structure of website, colours, font and headline titles from the Complainant's official website "www.chevron.com", and no such misleading and confusing use could relate to a genuine, *bona fide* offering of goods or services and such use could not grant the Respondent rights or legitimate interests in the disputed domain name;
- the disputed domain name currently does not resolve to an active website, which constitutes passive holding;
- the present passive holding of the disputed domain name is insufficient to establish legitimate interests or *bona fide* use;
- given the fame of their marks (as outlined above) and the confusing similarity of the disputed domain name to said mark, there is no conceivable use to which the disputed domain name could be put now, or in the future, that would confer any rights or legitimate interests upon the Respondent.

The Panel further notes that the composition of the disputed domain name incorporating the Complainant's mark and the term "corp" referencing the First Complainant's corporate structure carries a risk of implied affiliation.

It is well established that once a complainant makes out a *prima facie* case that a respondent has no rights or legitimate interests in the domain name at issue, the burden of production shifts to the respondent to prove its rights or legitimate interests.

The Respondent has failed to discharge that burden and therefore this Panel must find that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainants have therefore succeeded in the second element of the test in Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Complainants have adduced clear and convincing, uncontested evidence that they have trademark and service mark rights in the CHEVRON mark which predate the registration of the disputed domain name on February 2, 2023.

The CHEVRON mark is distinctive, and it is most improbable that the disputed domain name which is composed of only the CHEVRON mark in combination with descriptive term "corp" and the gTLD ".org" was chosen and registered without knowledge of the Complainants.

This Panel finds therefore that on the balance of probabilities the disputed domain name was chosen and registered in bad faith, with the Complainants in mind to confuse Internet users and take predatory advantage of the Complainants' goodwill and reputation in the mark.

The screen capture of the website to which the disputed domain name resolved which has been exhibited in evidence in an annex to the Complaint, shows that the Respondent was using the Complainants' name and eponymous mark within the disputed domain name and displaying it on the resolving website. The Respondent has used the disputed domain name to impersonate the Complainants by creating the impression that the website was operated by or associated with the Complainants, as evidenced by the use of the Complainants' CHEVRON mark at the top of the site and/or within text boxes; a copyright notice and the statement on the bottom of the webpage in which the Respondent presented itself as "Chevron" (as commonly used when referring to the First Complainant's trading name "Chevron Corporation"); the incorporation of the Complainants' official video on renewable gas.

By purporting to impersonate the Complainants and pass off the Respondent's purported services offering as those of the Complainants, the Respondent has been using the disputed domain name in bad faith, to attract and confuse Internet users, and to misdirect Internet traffic to the Respondent's website.

The website that was taken down was very sophisticated and the lengths to which the Respondent has gone to impersonate the Complainants' website gives much ground for concern for any Internet user who is thereby deceived and lured to the Respondent's website. This concern transfers to the fact that the record shows that the Respondent has taken preparatory steps to use the disputed domain name to establish an email account.

At present, the disputed domain name is inactive and in the circumstances of this case, the passive holding of the disputed domain does not prevent a finding of bad faith for the purposes of the Policy.

As this Panel has found that the disputed domain name was registered and is being used in bad faith, the Complainants have succeeded in the third element of the test in Policy paragraph 4(a)(iii).

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, <chevroncorp.org>, be transferred to the Second Complainant.

/James Bridgeman/

James Bridgeman

Sole Panelist

Date: 21 September 2023