

## **ADMINISTRATIVE PANEL DECISION**

Equinor ASA v. Dollz James  
Case No. D2023-3026

### **1. The Parties**

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

The Respondent is Dollz James, Nigeria.

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

The disputed domain name <equinoroilandgas.site> 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 14, 2023. On July 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 14, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 July 18, 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 sent notification to the Respondent of the Complaint, and the proceedings commenced on August 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 23, 2023. The Respondent did not submit any response. Accordingly, the Center sent notification of the Respondent’s default on August 24, 2023.

The Center appointed Petra Pecar as the sole panelist in this matter on August 29, 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, previously known as Statoil ASA, is a Norwegian energy corporation with operations across over 30 countries, focusing on oil, gas, wind, and solar energy. Originating in the late 1960s with the rise of the Norwegian oil and gas sector, it was initially founded as The Norwegian State Oil Company (Statoil) in 1972. The Norwegian State presently holds 67% of its shares.

In 2018 Statoil ASA rebranded to Equinor. Behind the rebranding was to adapt to the evolving energy sector and to represent their diversified energy offerings.

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, for goods and services in Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41 and 42; and
- International Registration No. 1444675, for EQUINOR, registered on July 4, 2018, for goods and services in Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41 and 42.

The Complainant owns over 100 domain registrations featuring the EQUINOR mark, spanning both generic and country-code Top-Level domains.

The disputed domain name was registered on July 7, 2023 and revolves to a parked webpage.

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

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

The Complainant states that the disputed domain name, <equinoroilandgas.site>, is confusingly similar to their registered EQUINOR mark. The Complainant asserts that comparison reveals the similarity between the disputed domain name and the mark EQUINOR, which is recognizable within the disputed domain name. Notably, when a disputed domain name comprises the mark in its entirety, it is typically confusingly similar. The inclusion of the generic Top-Level Domain ("gTLD") ".site" does not affect the similarity. Given the extensive reputation and recognition of the Complainant's EQUINOR mark, particularly in the energy sector, and the absence of different elements between the disputed domain name and the mark, it is evident that the disputed domain name is similar to the EQUINOR mark to which the Complainant holds rights. The global recognition of the EQUINOR mark implies that Internet users might associate the disputed domain name with the Complainant. Thus, the disputed domain name is confusingly similar to the Complainant's EQUINOR mark.

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name based on their prior use of the mark EQUINOR and company name Equinor. The Respondent has no association with the Complainant, nor is licensed or authorized to use the EQUINOR mark for any purpose. The Respondent is neither using the disputed domain name for a legitimate noncommercial or fair use without intent for commercial gain nor are they widely recognized by the disputed domain name. Additionally, the Respondent has not secured any rights in the name Equinor. The Complainant also indicates that the Respondent is not using the disputed domain name for a genuine offering of goods or services. Therefore, the Respondent does not have any rights or legitimate interests in the disputed domain name.

The Complainant argues that the Respondent deliberately registered the disputed domain name, which is similar to the Complainant's EQUINOR mark in bad faith. This registration on July 7, 2023, raises concerns, especially given that a name change was announced five years earlier. At present, and at the time of filing the Complaint, the disputed domain name is parked with the registrar Hostinger.

The Complainant contends that several factors strengthen the allegations of bad faith including the well-established reputation of the Complainant's mark, the Respondent's lack of response, and the masking of the Respondent's contact information through a privacy service. In addition, the initiation of the email exchange ("MX") records on the disputed domain name is a potential for phishing operations that may lead individuals into believing they are communicating with the Complainant.

The overarching intent appears to be misleading online users for commercial advantage by generating confusion with the Complainant's EQUINOR mark. In supporting of the argument, the Complainant references decisions from prior UDRP panels on related cases, such as *Equinor ASA v. Danielle Torres*, WIPO Case No. [D2022-4889](#) and the decision *Equinor ASA v. Aircenam Suniemi*, WIPO Case No. [D2023-0898](#) as pattern of bad faith behavior by respondents in similar situations. Given the compelling evidence and the long-established rights linked to the EQUINOR mark, the Complainant argues that the Respondent's registration and use of the disputed domain name is in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

"A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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 by the Respondent in bad faith.

### **A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The disputed domain name comprises the Complainant's registered mark EQUINOR.

The evidence presented by the Complainant demonstrates that the Complainant is the owner of the mark EQUINOR in several countries.

The disputed domain name reproduces the Complainant's EQUINOR mark in its entirety. The addition of the descriptive terms "oil and gas," does not prevent a finding of confusing similarity. According to section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), 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. Similarly, the gTLD “.site” is disregarded as it is viewed as a standard registration requirement in accordance with well-established practice of previous UDRP panels. The Panel, therefore, finds that the disputed domain name is confusingly similar to the Complainant’s EQUINOR mark.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the trademark in which the Complainant has rights, meaning that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

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

Under the second element of the Policy, a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence to rebut that presumption. If the respondent fails to do so, a complainant is generally deemed to have satisfied the second element, as set out in paragraph 4(a)(ii) of the Policy (see also [WIPO Overview 3.0](#), section 2.1).

The Panel determines that the Complainant has not granted the Respondent permission to use the EQUINOR mark, and there exists no established relationship between the involved parties. Furthermore, the Panel points out that the Respondent is neither recognized by the name “equinor” nor has any link with such name. The Panel further emphasizes that the Respondent does not hold any registered marks or trade names that are analogous to the disputed domain name. Lastly, the Panel notes that there is no indication the Respondent has engaged with the name Equinor in a manner that would grant them rights or legitimate interests in the disputed domain name.

The Panel finds that the nature of the disputed domain name, which consists of the Complainant’s EQUINOR mark and of the additional terms “oil and gas” (directly connected with the Complainant’s business), strongly indicates the affiliation with the Complainant and for that reason a fair use cannot be constituted when the disputed domain name effectively impersonates or suggests affiliation with the Complainant (see section 2.5.1 of the [WIPO Overview 3.0](#)).

Based on the above, the Panel finds that the second element of paragraph 4(a)(ii) of the Policy has been met by the Complainant.

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

The third element of paragraph 4(a) of the Policy requires a complainant to demonstrate that the respondent registered and is using the disputed domain name in bad faith. [WIPO Overview 3.0](#), section 3.1, states that “bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark”.

Paragraph 4(b) of the Policy stipulates that any of the following circumstances, *inter alia*, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent registered the domain name primarily for the purpose of

disrupting the business of a competitor; or

(iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The Complainant's EQUINOR mark and the Complainant's name change predates the registration of the disputed domain name by nearly five years. The global registrations of the EQUINOR mark further support the Respondent's awareness of the Complainant's rights to the mark at the time of its registration.

Based on the evidence presented, it is apparent that the Respondent had knowledge of the Complainant, its activity and EQUINOR mark, and deliberately targeted these marks during the registration of the disputed domain name with an intention to leverage the Complainant's established reputation. The disputed domain name incorporates the mark EQUINOR along with the descriptors "oil and gas", which directly alludes to the Complainant's primary line of business. Given the evident association of the disputed domain name with the Complainant's mark, the Panel believes that the Respondent intentionally targeted the Complainant and their marks during the disputed domain name registration. Consequently, the Panel believes that the Respondent registered the disputed domain name in bad faith.

The disputed domain name is parked with the registrar Hostinger. The Panel finds that the non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding.

Moreover, the disputed domain name is configured with MX records for sending and receiving email messages that bear striking resemblance to the Complainant's EQUINOR mark. In this case, the Respondent has not only established mail servers on the disputed domain name but also implemented Sender Policy Framework ("SPF") records. These records reduce the probability of emails from the designated server being classified as spam by their recipients, indicating the Respondent's deliberate efforts to ensure emails from the disputed domain name are not flagged as spam. While the Complainant has not presented any proof of the Respondent using this for phishing or fraudulent emails, the Panel contends that the mere establishment of mail servers and SPF records poses a substantial risk of potential malicious activities. The evidence, when combined, emphasizes the Respondent's bad faith intentions. Given the similarity of the disputed domain name to the Complainant's EQUINOR mark, it is improbable that the attached mail servers would be used for any legitimate activities.

Lastly, the Respondent's use of a privacy service, which is renowned for obscuring the identity of the actual registrant, further intensifies suspicions of bad faith. Considering above, the Panel concludes that the Respondent use of the disputed domain name is in bad faith.

The Panel concludes that the disputed domain name was registered and used in bad faith and that consequently, the Complainant has satisfied the requirement under 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, <equinoroilandgas.site>, be transferred to the Complainant.

*/Petra Pecar/*

**Petra Pecar**

Sole Panelist

Date: September 12, 2023