

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Venus Pete
Case No. D2023-3572

1. The Parties

The Complainant is Equinor ASA, Norway, represented by Rouse AB (Valea AB trading as Rouse AB), Sweden.

The Respondent is Venus Pete, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <equinorukltd.com> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 24, 2023. On August 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 25, 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 Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 25, 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 August 25, 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 September 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 26, 2023.

The Center appointed Roger Staub as the sole panelist in this matter on September 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 is Equinor ASA, a Norwegian company. It is an international energy company and was formerly known as “Statoil ASA”. The Norwegian state holds 67% of the shares in the Complainant.

According to the Complainant’s website at “www.equinor.com”, the Complainant has 21,000 employees in 30 countries. It was founded back in 1972. Various media articles show that the Complainant publicly announced in March 2018 the change of its name from “Statoil” into “Equinor”. The change of name was aimed at supporting the Complainant’s strategy and evolution from an oil company to a broader energy company with a focus on renewable energy sources.

The Complainant owns various trademark registrations consisting of, or containing, the word “Equinor” in various jurisdictions. The Complainant’s portfolio of EQUINOR trademark registrations includes, *inter alia*, the following trademark registrations:

- International trademark No. 1444675 EQUINOR, registered on July 4, 2018, in Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41, and -42;
- United States of America trademark No. 6436681 EQUINOR, registered on August 3, 2021, in Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41, and 42;
- European Union trademark No. 017900772 EQUINOR, registered on January 18, 2019, in Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41, and 42.

The Complainant has registered more than 100 domain names containing the element “equinor” with different generic Top-Level Domains (“gTLDs”). By way of example, the Complainant’s domain name portfolio includes the domain names <equinor.com>, <equinor.info>, <equinor.international>, <equinor.org> or <equinor.uk>.

The disputed domain name was registered on August 4, 2023.

At the time the Complaint was filed, the disputed domain name resolved to an active website. That website contains information about a company “Equinor UK Ltd.” and its products and services. The Complainant’s word-/device mark EQUINOR is depicted at various places of that website. It is the same logo, which the Complainant uses on its own website accessible under <equinor.com>.

5. Parties’ Contentions

A. Complainant

The Complainant submits the following arguments:

First, the disputed domain name is confusingly similar to the Complainant’s trademark EQUINOR. The disputed domain name incorporates the entire trademark. The Complainant believes that by using a side-by-side comparison the trademark EQUINOR is recognizable within the disputed domain name. Neither the geographical abbreviation “uk” nor the company abbreviation “Ltd” (for Limited) prevent the disputed domain name from being confusingly similar to the Complainant’s trademark. The gTLD “.com” was not sufficient to prevent confusing similarity. Bearing in mind the widespread reputation and the high degree of recognition of Complainant’s EQUINOR marks especially in the energy sector as well as the lack of distinguishing factors, the disputed domain name should be considered as confusingly similar.

Second, the Respondent has no rights or legitimate interests in respect of the disputed domain name. This is due to the Complainant's prior use of the trademark EQUINOR and the company name Equinor. The Respondent is not affiliated, or otherwise related, with the Complainant. The Respondent is not using the disputed domain name in connection with any legitimate noncommercial or fair use without intent of commercial gain. The Respondent is not generally known under the disputed domain name and has not acquired any corresponding trade or service mark rights. He is not using the disputed domain name in connection with a *bona fide* offering of goods or services.

Third, the disputed domain name was registered and is being used in bad faith. The Respondent chose to register a domain name that entails the trademark EQUINOR. The Respondent was fully aware of the fact that it incorporated a well-recognized and distinctive trademark in which the Respondent had no prior rights. The registration of the disputed domain name took place five years after the announced change of the Complainant's name. The active website to which the disputed domain name resolves has been designed that it contains incorrect information about the Complainant. The website also uses the Complainant's registered figurative trademark at a similar position as on the Complainant's own website. On the website, the Respondent displays a text about "Equinor UK Ltd." that the Complainant has found identical on the LinkedIn page of a Canadian gas and energy company. The UK address indicated on the website is the Complainant's UK address. By this, the Respondent is creating the impression that the Complainant is behind the website. The company registration number allocated to "Equinor UK Ltd." on the website is in fact the number of a third party. On a career website set up by the Respondent, the Respondent indicates "[...]@equinorukltd.com" email addresses to be used by applicants. The Complainant submits that this enhances the risk of confusion. The Respondent has intentionally attempted to attract Internet traffic, for commercial gain by creating a likelihood of confusion. The disputed domain name, at least in one case, has been used for phishing.

B. Respondent

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

6. Discussion and Findings

According to the Policy, to qualify for a cancellation or transfer, the Complainant must prove each of the following:

First, the disputed domain name is identical or confusingly similar to a trademark or service mark to which the Complainant has rights.

Second, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Third, the disputed domain name has been registered and is being used in bad faith.

Since the Respondent did not submit a reply, the Panel may choose to accept the reasonable contentions of the Complainant as true. This Panel will determine whether those facts constitute a violation of the Policy that is sufficient to order the transfer of the disputed domain name (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#)).

A. Identical or Confusingly Similar

The Panel accepts that the Complainant has registered trademark rights in the designation EQUINOR in numerous jurisdictions.

The disputed domain name comprises the trademark EQUINOR in its entirety. The addition of the generic abbreviations "uk" and "ltd" to the trademark does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademarks (see section 1.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("the [WIPO Overview 3.0](#)")).

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

According to paragraph 4(c) of the Policy, the following are examples for circumstances where a respondent may have rights to or legitimate interests in a domain name: (i) before any notice to the respondent of the dispute, the use by the respondent of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or (ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

In the absence of any evidence filed by the Respondent, the Panel does not see any indications being given for any of the above examples, or any other circumstances suggesting that the Respondent may have rights or legitimate interests in the disputed domain name. In particular, the Respondent did not submit any evidence that there exists a company with the name "Equinor UK Ltd." to which the Respondent would be associated. There are no indications that the Respondent is in any way legitimately linked to the business that the Complainant runs under the EQUINOR trademark. The fact that the website accessible via the disputed domain name contains elements contributable to the Complainant (e.g., the Complainant's logo or UK address) does not change this finding. To the contrary, there are various indications that speak against a *bona fide* offering of goods or services. By way of example, both the indication of a company registration number of a third party and the copying of entire paragraphs from third party's social media presences suggest that the website was set up for other purposes than *bona fide* offerings. The Panel is inclined to assume that the Respondent was well aware of the Complainant's trademark when it registered the disputed domain name. This is supported by the fact that the Respondent uses the Complainant's logo and UK address on the website accessible under the disputed domain name without the Complainant's authorisation.

Additionally, since the disputed domain name consists of the trademark EQUINOR plus the additional geographical term "uk" (and the legal abbreviation "ltd"), such composition cannot constitute fair use as it effectively suggests sponsorship or endorsement by the trademark owner (see section 2.5.1 of the [WIPO Overview 3.0](#)).

Hence, the second element of the Policy is also fulfilled.

C. Registered and Used in Bad Faith

According to paragraph 4(b) of the Policy, the following circumstances, in particular but without limitation, shall be evidence of registration and use in bad faith: (i) circumstances indicating that the respondent has 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; (ii) the respondent has 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; (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the respondent has intentionally attempted 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 submits as evidence a screenshot of an email that was sent to a person from the email address “[...]@equinorukltd.com”. In this email the sender suggests to the recipient to sign a contract. The Complainant submits that this is phishing. This supports the impression that the Respondent is using this disputed domain name as a tool to attract, for commercial gain, Internet users to its website. Hence, and to this extent, circumstance 4(b)(iv) is given and suggests bad faith intentions of the Respondent (see section 3.4 of the [WIPO Overview 3.0](#)).

This finding is supported by the other circumstances of the present case, which lead the Panel to the conclusion that the disputed domain name was registered and is used in bad faith: the disputed domain name incorporates the Complainant’s trademark, which both is highly distinctive and has a certain reputation. The Complainant is known under this trademark and name in various countries (also in the Respondent’s reported country, where the Complainant has a presence). This distinctive and reputed trademark has been combined with two descriptive abbreviations only, one of which is a geographical term suggesting that the disputed domain name is the Internet address of the Complainant’s local web presence in that country. On the website, which is accessible under the disputed domain name, consumers can see the Complainant’s logo and UK address although there is no legal and commercial connection between the Respondent and the Complainant. All this creates a likelihood of confusion. There are no plausible indications at all for a possible good faith use of the disputed domain name by the Respondent. The Respondent failed to submit a response and, thus, any evidence of an actual or contemplated good faith use.

Therefore, the third element of the Policy has also been fulfilled.

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 <equinorukltd.com> be transferred to the Complainant.

/Roger Staub/

Roger Staub

Sole Panelist

Date: October 13, 2023