

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. mateo Amir
Case No. D2023-3997

1. The Parties

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

The Respondent is mateo Amir, United States of America.

2. The Domain Name and Registrar

The disputed domain name <equinrgroup.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 25, 2023. On September 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 October 5, 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 the same day.

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 October 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2023. The Respondent did not submit any formal response. The Respondent sent an email communication to the Center on October 10, 2023. The Center sent an email regarding possible settlement on the same day. On October 11, 2023, the Complainant requested the suspension of the proceedings to explore settlement. The Center confirmed on October 11, 2023 that the

proceedings were suspended until November 10, 2023. The Complainant requested the reinstatement of the proceedings on October 11, 2023. The Center notified the reinstatement of the proceedings to the Parties on October 12, 2023. Accordingly, the Center notified the commencement of panel appointment process on November 2, 2023.

The Center appointed Nathalie Dreyfus as the sole panelist in this matter on November 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 is a Norwegian corporation, formerly known as Statoil ASA. The Complainant is a broad international energy company with operations in more than 30 countries around the world developing oil, gas, wind, and solar energy. The Complainant decided to change its name from Statoil ASA to Equinor in 2018.

The name change was announced on March 15, 2018, and the news were shared and commented worldwide on different media platforms.

The EQUINOR trademark has been filed worldwide, including European Union trademark registration No. 017900772 for EQUINOR, registered on January 18, 2019.

Furthermore, the Complainant is 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 September 23, 2023, and does not resolve to an active webpage.

5. Parties' Contentions

A. Complainant

The Complainant asserts that the disputed domain name is confusingly similar to the Complainant's trademark EQUINOR as the disputed domain name incorporates close to the entire trademark. The trademark EQUINOR has been misspelled to “equinr”, hence leaving out the second last letter “o”. Moreover, the Complainant notes that additional word “group” referring to a company structure does not prevent a finding of confusing similarity.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. In fact, the Complainant has prior use of its trademark EQUINOR and company name Equinor. The Respondent is not affiliated or related to the Complainant in any way, or licensed, or otherwise authorized to use the EQUINOR mark in connection with a website, a domain name, or for any other purpose.

The Complainant alleges the disputed domain name has been registered in bad faith. The registration of the disputed domain name took place five years after the announced name change in March 2018, which means the Respondent was fully aware of the fact that the disputed domain name incorporated a well-recognized and distinctive trademark.

Finally, the Complainant asserts that the disputed domain name has been used in bad faith. Indeed, the disputed domain name is resolving to a website where a folder called “Cgi-bin” can be clicked upon, followed by the headline appearing at the top of the website indicating “Index of /”. The Complainant believes that Internet users can be confused as to what is available when clicking on the folder and whether this site belongs to the Complainant. As mail exchange (“MX”) records are active for the disputed domain name, the Complainant finds it very likely that an Internet user finding the website, or receiving an email from an email address connected to the disputed domain name would believe that this email has been sent from the Complainant.

B. Respondent

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

In the email dated October 10, 2023, the Respondent states: “According to Paragraph 6: Consent to remedy. You may consent to the remedy requested by the Complainant and agree to transfer the disputed domain name. I hereby consent that the domain should be transferred to the Complainant and that is all I have to say on this matter. Thank you”,

On October 11, 2023, the Respondent sent an email to the Complainant, in which the Respondent states: “This is the last time you will hear from me on this matter, i’m not going to sign any document, the domain has been suspended already by the domain registrar and it’s of no use to me, if you cannot ask the domain registrar to transfer it to you, You can as well ask the domain registrar to cancel the domain and de register it. I’m not going to inconvenience myself any further on this. Bye”.

6. Discussion and Findings

Paragraph 15(a) of the Rules directs the Panel as to the principles that the Panel is to use in determining the dispute: “A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable”.

The Policy provides, at paragraph 4(a), that each of three elements must be made in order for a complaint to prevail:

- i. the disputed 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 disputed domain name; and
- iii. the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy.

When assessing whether the disputed domain name is identical or confusingly similar to the Complainant’s trademark, it has been well established the gTLD “.com” should not be considered (section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”)).

The Panel agrees that the disputed domain name reproduces the Complainant’s trademark EQUINOR, with the mere subtract of the letter “o”, which does not prevent a finding of confusing similarity since the trademark EQUINOR remains recognizable within the disputed domain name (*Mapfre S.A. y Fundación Mapfre v. Josep Sitjar*, WIPO Case No. [D2011-0692](#); *Compagnie Gervais Danone of Paris v. Jose Gregorio Hernandez Quintero*, WIPO Case No. [D2009-1050](#); section 1.7 of the [WIPO Overview 3.0](#)).

The mere addition of a word such as “group” does not prevent the disputed domain name from being confusingly similar to the Complainant’s EQUINOR trademark (*Compagnie Générale des Etablissements Michelin and Michelin Recherche et Technique S.A. v. Ejijobara Obara*, WIPO Case No. [D2012-0047](#), *Merck Sharp & Dohme Corp. v. GlobalCom, Henry Bloom*, WIPO Case No. [D2011-0700](#), and *Fluor Corporation v. KMLOLO*, WIPO Case No. [D2010-0377](#)). Therefore, the Panel is of the opinion that the additional element “group” in the disputed domain name does not avoid the finding of confusing similarity between the Complainant’s trademark and the disputed domain name.

On this basis, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s registered trademarks.

B. Rights or Legitimate Interests

The Panel finds that the Complainant has made out a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and the burden of production of evidence shifts to the Respondent. The Respondent does not own any rights in the EQUINOR trademarks, and the Complainant has never authorized or permitted the Respondent to use the EQUINOR trademark or use it to register any domain name consisting of the EQUINOR trademark (*J Barbour & Sons LTD v. Whois Privacy Pty Ltd./Quantec, LLC. Novo Point, LLC*, WIPO Case No. [D2013-0283](#)).

The disputed domain name is not used, as it simply leads to a webpage containing an inaccessible “cgi-bin” folder. Therefore, there is no evidence of any use of, or preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services, nor of any legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent had the opportunity to provide its arguments in support of its rights or legitimate interests in the disputed domain name. However, by failing to file a formal response, the Respondent has missed this opportunity and the Panel is entitled to draw such inferences from the Respondent’s failure as it considers appropriate in accordance with paragraph 14 of the Rules. In addition, the Panel notes that based on the informal communications received during this proceeding that the Respondent does not wish to keep the disputed domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant has established that the disputed domain name was registered and is being used in bad faith.

The Complainant has established that registered EQUINOR trademarks long predated the registration of the disputed domain name. The Panel also accepts the Complainant’s contention that its EQUINOR trademark is well known. The Respondent reproduced Complainant’s trademark EQUINOR, with the mere subtract of the letter “o” and the mere addition of the word “group”. The confusing similarity in this choice demonstrates that the Respondent was fully aware of the fact that the disputed domain name incorporated a well-recognized trademark. The registration of the disputed domain name took place five years after the announced name change in March 2018. The Panel is of the opinion that the Respondent registered the disputed domain name in bad faith.

The disputed domain name only resolves to a very basic site with a “cgi-bin” inaccessible folder. “Customers searching for information on the Complainant and the Complainant’s service may conclude that there are problems at the Complainant’s site, that the Complainant’s web information and services are no longer in active use. Such “non-use” by the Respondent can [...] have the same negative result on the Complainant as active use of a disputed domain name, and amounts to bad faith use” (*FIL Limited v. George Dyle*, WIPO Case No. [D2014-1418](#)). Under the circumstances of this case, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith.

Finally, the Complainant has provided evidence that the Respondent has set up MX-records for the disputed domain name. This entails that the Respondent can potentially send emails in connection with the disputed domain name. The Respondent can therefore use (or may already have used) the disputed domain name to send fraudulent emails such as messages containing spam, phishing attempts, etc suggesting further the bad faith use (*Confédération Nationale du Crédit Mutuel, Crédit Industriel et Commercial v. Khodor Dimassi*, WIPO Case No. [D2016-1980](#); *Carrier Corporation v. DNS Admin, Domain Privacy LTD*, WIPO Case No. [D2021-3728](#)).

For all reasons mentioned above, the Panel concludes that the Respondent registered and is using the disputed domain name in bad faith.

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 <equinrgroup.com> be transferred to the Complainant.

/Nathalie Dreyfus/

Nathalie Dreyfus

Sole Panelist

Date: November 30, 2023