

## **ADMINISTRATIVE PANEL DECISION**

Equinor ASA v. Mario teigen  
Case No. D2023-4884

### **1. The Parties**

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

The Respondent is Mario teigen, Norway.

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

The disputed domain name <equinormobile.com> (the “Domain Name”) is registered with One.com A/S (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 23, 2023. On November 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 24, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 24, 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 December 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2023. The Respondent sent an email communication to the Center on November 24, 2023. Accordingly, the Center informed the Parties of its commencement of Panel appointment process on December 27, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on January 8, 2024.

The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is an international energy company with operations in more than 30 countries around the world developing oil, gas, wind, and solar energy. The Complainant was founded as The Norwegian State Oil Company (Statoil) in 1972 and the Norwegian State holds 67 percent of the shares. The Complainant changed its company name to Equinor in 2018. The name change was announced worldwide. In parallel to the name change, the Complainant filed trademark applications worldwide for EQUINOR, such as Norwegian trademark registration No. 298811 (registered on June 12, 2018).

The Complainant owns more than 100 domain name registrations throughout the world containing the EQUINOR mark, such as <equinor.com>.

The Domain Name was registered on November 21, 2023. The Complainant has documented that the Domain Name has resolved to a parked website (“under construction”) that appears to belong to the Registrar. The webpage also had links to commercial websites. At the time of drafting the Decision, the Domain Name resolved to a blocked webpage.

#### **5. Parties’ Contentions**

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

The Complainant believes that the Respondent is capable of understanding English and requests the language of the proceedings to be English. Norwegians generally have a high proficiency in English, in particular younger Norwegians as the Respondent appears to be. English is mandatory in Norwegian schools. The Respondent has also sent an email to the Center in English. The Respondent seems to have registered a company name containing English words, and the webpage to which the Domain Name resolved only contains information available in English. The Domain Name itself consist of the English word “mobile” and the international and generic Top-Level Domain (“gTLD”) “.com”. Also, it would be an extra burden and cost for the Complainant to translate the entire Complaint. It would unnecessary delay the proceedings.

The Complainant provides evidence of trademark registrations and contends that the Domain Name is confusingly similar to the Complainant’s trademark EQUINOR as the Domain Name incorporates the entire trademark. The additional term “mobile” does not prevent confusing similarity between the Domain Name and the trademark.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant asserts that the Respondent is not affiliated with the Complainant. The Respondent has not been granted any license to use the EQUINOR trademark nor was the Respondent otherwise authorized by the Complainant to use the trademark. There is no evidence of the Respondent’s use of, or 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.

The Complainant believes it is evident that the Respondent situated in Norway knew it incorporated a well-recognized and distinctive trademark in which the Respondent had absolutely no prior rights. The non-use of the Domain Name does not prevent a finding of bad faith under the doctrine of passive holding. The Complainant’s trademark is distinctive, the Respondent has not provided any evidence of actual or contemplated good faith use and the Respondent has concealed his identity, and it is implausible the Respondent may put the Domain Name into good faith use. Finally, activation of the MX-records and subsequent possible email use, may under the circumstances be further indication of bad faith.

## **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions, but sent an email to the Center on November 24, 2023, and an email to the Complainant on the same day, which was forwarded to the Center and states the following text: "What is this about? Why do i Get this emails? Stop spamming me asap".

## **6. Discussion and Findings**

### **6.1. Procedural Issue: Language of the Proceeding**

Paragraph 11(a) of the Rules provides that the language of the administrative proceeding shall be the language of the Registration Agreement, unless otherwise agreed by the parties. Importantly, paragraph 11(a) also states that the determination of the language of the proceeding is "[...] subject to the authority of the Panel [...], having regard to the circumstances of the administrative proceeding".

Paragraphs 10(b) and (c) of the Rules require the Panel to ensure that the Parties are treated with equality, that each Party is given a fair opportunity to present its case and that the administrative proceeding take place with due expedition. Prior UDRP panels have decided that the choice of language of the proceeding should not create an undue burden for the parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.5.1.

The language of the Registration Agreement is Norwegian. The Complainant submitted its Complaint in English and requested English to be the language of the proceeding. The Panel notes that the Center has sent the notifications to the Respondent in both English and Norwegian, providing the Respondent a fair chance to object. Moreover, there is evidence in the case file that indicates the Respondent can understand English, as most Norwegians.

The Panel therefore determines, under paragraph 11(a) of the Rules, that the language of this proceeding to be English.

### **6.2 substantive Issues**

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

The first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has established that it has rights in the trademark EQUINOR. In this case, the Domain Name incorporates the Complainant's trademark with the addition of "mobile". The addition does not prevent a finding of confusing similarity between the Domain Name and the trademark. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the gTLD; see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Based on the evidence, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use 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. The Panel finds that the composition of the Domain Name, carries a risk of implied affiliation with the Complainant.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

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

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Respondent most likely knew of the Complainant when he registered the Domain Name. It follows from the composition of the Domain Name, and the fame of the Complainant. Also, the Respondent did not refute such knowledge despite sending informal communications to the Center and the Complainant. The documented use and subsequent non-use of the Domain Name does not prevent a finding of bad faith. The Complainant’s trademark is distinctive and well known. The Respondent has concealed his identity. The Respondent has not offered any explanation to why it registered a domain name confusingly similar to the Complainant’s trademark, nor provided any evidence of actual or contemplated good faith use of the Domain Name. It is the Panel’s opinion, that it is implausible that the Respondent may put the Domain Name into any good faith use.

Based on the available record, the Panel finds that the Complainant has established the third element 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 the Domain Name <equinormobile.com> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: January 11, 2024