

## **ADMINISTRATIVE PANEL DECISION**

Chevron Corporation, Chevron Intellectual Property LLC v. Syed J. Hussain,  
Domain Management  
Case No. D2023-5001

### **1. The Parties**

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

The Respondent is Syed J. Hussain, Domain Management, United States.

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

The disputed domain name <chevronhess.com> is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 30, 2023. On December 1, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 1, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 22, 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 amended Complaint on December 22, 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 January 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 2, 2024.

The Center appointed Angela Fox as the sole panelist in this matter on February 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 by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

The first Complainant is a multinational energy and technology company headquartered in California. It is primarily engaged in the oil and gas industry, including the exploration and production of crude oil and natural gas, the production and distribution of retail gasoline fuel, fuel additives, lubricants and chemicals and the development of alternative energy sources and renewable fuels. According to the Complainant, it is the second largest energy company in the United States, and in 2000 was ranked as the 26th largest public company in the world. It is active in over 180 countries and operates under brands including CHEVRON. The intellectual property rights in the first Complainant's brands are held by the second Complainant.<sup>1</sup>

The second Complainant owns among others the following trademark registrations for CHEVRON and marks including CHEVRON, details of which were annexed to the Complaint:

- United States Trademark Registration No. 364683 for CHEVRON in Class 15, registered on February 14, 1939;
- United Kingdom Trademark Registration No. 638572 for CHEVRON in Class 4, registered on July 12, 1945;
- European Union Trademark Registration No. 000095745 for CHEVRON in Classes 1, 2, 3, 4, 16, 17, and 19, registered on March 8, 1999;
- European Union Trademark Registration No. 015759095 for CHEVRON Logo in Classes 35, 37, and 39, registered on December 30, 2016.

The first Complainant operates an official website relating to the business it conducts under the CHEVRON brand at "www.chevron.com" and asserts that its CHEVRON brand is well-known around the world. It operates social media pages relating to its business under the CHEVRON brand on LinkedIn (over 4M followers), Facebook (over 1M followers), Twitter (over 380K followers), Instagram (74K followers), and YouTube (over 36K followers).

On October 23, 2023, the first Complainant publicly announced its agreement to acquire Hess Corporation ("Hess") for USD 53 billion. Hess is also a leading global independent energy company engaged in the exploration and production of crude oil and natural gas. At the time of filing of the Complaint, the transaction has been unanimously approved by the Boards of Directors of both the first Complainant and Hess and is expected to close in the first half of 2024. The acquisition was widely reported by the media, including on the day the acquisition announcement was published.

The disputed domain name was registered on the same date as the announcement, October 23, 2023. At the time of filing of the Complaint, it linked to a web page offering the disputed domain name for sale for USD 2,750.

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<sup>1</sup>The Complainants have included a request for consolidation based on their common grievance against the Respondent. Given their shared rights and relationship, and the lack of rebuttal by the Respondent, the Panel deems consolidation proper in the circumstances of this proceeding. Accordingly, unless otherwise indicated, the first and second Complainants will be collectively hereinafter referred to as the "Complainants".

## **5. Parties' Contentions**

### **A. Complainant**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is confusingly similar to their CHEVRON trademarks. Its principal components are the terms "chevron" and "hess" run together. The Complainants submit that their CHEVRON trademark is clearly recognizable within the disputed domain name and that the addition of the third-party trademark HESS is insufficient to avoid a finding of confusing similarity.

The Complainants further submit that the Respondent has no rights or legitimate interests in the disputed domain name. There is no evidence that the Respondent has ever been commonly known as CHEVRON or CHEVRON HESS, and the Complainants have not licensed or otherwise permitted the Respondent to use their CHEVRON mark. The disputed domain name is only in use in respect of a web page offering it for sale; the Complainants submit that this is not fair use capable of conferring legitimate interests or rights in the disputed domain name; they further submit that any use of the disputed domain name would falsely suggest an affiliation with the Complainants, and that the Respondent registered the disputed domain name purely as a pretext for commercial gain through a sale of it following the Complainants' public announcement of the acquisition of Hess.

Finally, the Complainants argue that the disputed domain name was registered and has been used in bad faith. The Complainants assert that it is inconceivable that the Respondent did not have the Complainants firmly in mind when it acquired the disputed domain name. They also point to the offer for sale of the disputed domain name for consideration in excess of the Respondent's documented out-of-pocket costs related directly to the disputed domain name as evidence of registration and use in bad faith. The Complainants also point to the fact that the Respondent registered the disputed domain name on the same date as the announcement of the acquisition as evidence of opportunistic bad faith.

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

### **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds that:

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

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

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

It is well accepted that 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 disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of the trademark CHEVRON for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the CHEVRON mark is reproduced within the disputed domain name, and the Panel finds that the Complainants' mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the term "hess" may bear on assessment of the second and third elements, the Panel finds the addition of that term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

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

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

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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.

Having reviewed the available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. The Respondent is not using the disputed domain name, nor is there any evidence that it has made any demonstrable preparations to use it; on the contrary, it is advertising the disputed domain name for sale.

The Panel finds the second element of the Policy has been established.

## **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.

In the present case, the Panel notes that the disputed domain name consists of the trademarks CHEVRON and HESS run together, and that the Respondent registered the disputed domain on the same day as a widely reported media announcement that the first Complainant was acquiring Hess Corporation. Moreover, the Respondent has not used the disputed domain name other than to advertise it for sale for USD 2,750.

Under paragraph 4(b)(i), the Panel may find both registration and use in bad faith where there is evidence 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 its documented out-of-pocket costs directly related to the domain name.

As noted in the Complaint, the consideration sought by the Respondent for the sale of the disputed domain name is very likely in excess of the normal costs for registration of a domain name. It is moreover clear that the value of the disputed domain name is in its bringing together of the CHEVRON and HESS trademarks in a domain name, contemporaneous with the announcement of the Complainants' acquisition of the Hess Corporation. It is clear, also, that the disputed domain name would have particular value to the Complainants in the light of the acquisition, and the Panel concludes that the Respondent registered the disputed domain opportunistically and primarily for the purpose of selling it to the Complainants for a profit.

The Panel finds that the Complainants have 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 that the disputed domain name <chevronhess.com> be transferred to the Second Complainant.

In doing so, the Panel is aware that the disputed domain name also includes HESS, which is a trademark of the Hess Corporation which is not yet in the ownership of the Complainants. However, the Panel is comfortable that transfer of the disputed domain name to the second Complainant is nonetheless an appropriate remedy, given that the acquisition of the Hess Corporation has been approved by the boards of both corporations and is proceeding in the first half of 2024, in line with the approach taken in *Chevron Corporation v Young Wook Kim*, WIPO Case No. [D2001-1142](#).

*/Angela Fox/*

**Angela Fox**

Sole Panelist

Date: March 4, 2024