

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Zainul Adim
Case No. D2024-1134

1. The Parties

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

The Respondent is Zainul Adim, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <equinor-ind.net> (the “Disputed Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 15, 2024. On March 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 19, 2024, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 19, 2024, 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 March 19, 2024.

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 March 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 9, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 10, 2024.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on April 17, 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 Complainant states that it is “a broad international energy company with operations in more than 30 countries around the world developing oil, gas, wind and solar energy”; that it “was founded as The Norwegian State Oil Company (Statoil) in 1972”; and that it announced on March 15, 2018, a change of its name to Equinor.

The Complainant states, and provides evidence to support, that it is the owner of numerous trademark registrations for EQUINOR in numerous countries (the “EQUINOR Trademark”), including the following:

- European Union Intellectual Property Office Reg. No. 017900772 for EQUINOR (registered January 18, 2019)
- Norwegian Reg. No. 298813 for EQUINOR (registered July 12, 2018)
- International Reg. No. 1,444,675 for EQUINOR (registered July 4, 2018)
- United States of America Reg. No. 6,436,681 for EQUINOR (registered August 3, 2021)

The Disputed Domain Name was created on January 29, 2024, and as of the date of this Decision, is not being used in connection with an active website. The Complainant states, and provides a screenshot in support thereof, that the Disputed Domain Name was previously used in connection with a website that included what appears to be Complainant’s logo using the EQUINOR Trademark along with a login form requesting a username and password. The Complainant also states, and provides evidence to support, that MX (mail) records are configured for the Disputed Domain Name.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, the Complainant contends that:

- The Complainant has rights in the EQUINOR Trademark as a result of the registrations cited above, and the Disputed Domain Name is identical or confusingly similar to the EQUINOR Trademark because “a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark, EQUINOR, [indicate] that the trademark is recognizable within the disputed domain name”; “the word ‘equinor’ is the most distinctive element in the disputed domain name, and the additional letters ‘ind’ does not prevent a finding of confusingly similarity”; and “[t]he gTLD ‘.net’ is not sufficient to prevent the confusing similarity.”
- The Respondent has no rights or legitimate interests in the Disputed Domain Name “based on the Complainant’s prior use of its trademark EQUINOR and company name Equinor”; “[t]he 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”; “[t]he Respondent is not using the disputed domain name in connection with any legitimate non-commercial or fair use without intent for commercial gain, is not generally known by the disputed domain name and has not acquired any trademark or service mark rights in that name or mark”; and “[t]he Complainant further submits that the Respondent is neither using the disputed domain name in connection with a bona fide offering of goods or services.”

- The Disputed Domain Name was registered and is being used in bad faith because, inter alia, “[i]t is apparent from the composition of the disputed domain name that the Respondent chose to register a name that contains a mark that is identical to the Complainant’s trademark EQUINOR”; the Disputed Domain Name was registered almost six years after the Complainant’s announcement of its name change; “[n]on-active use [of the Disputed Domain Name] doesn’t prevent a finding of bad faith under the passive holding doctrine”; and because of the configuration of MX records for the Disputed Domain Name, “Complainant believes that a recipient of a potential email sent from “@equinor-ind.net” is likely to assume that the email has been sent in connection to the Complainant.”

B. Respondent

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

6. Discussion and Findings

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, that is, the EQUINOR 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 relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “equinor-ind”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name” – in this case, “.net” – “is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”. [WIPO Overview 3.0](#), section 1.11.1.

The Complainant has shown rights in respect of a trademark or service mark, that is, the EQUINOR Trademark, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the EQUINOR Trademark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the EQUINOR Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, “-ind”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Disputed Domain Name and the EQUINOR Trademark 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 Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's 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 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.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the Disputed Domain Name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's EQUINOR Trademark, and the composition of the Disputed Domain Name and finds that in the circumstances of this case the passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the Policy.

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 that the Disputed Domain Name <equinor-ind.net> be transferred to the Complainant.

/Douglas M. Isenberg/

Douglas M. Isenberg

Sole Panelist

Date: April 29, 2024