

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc. v. Jeffery Clout
Case No. D2024-2071

1. The Parties

Complainant is Halliburton Energy Services, Inc., United States of America (“U.S.”), represented by Polsinelli PC, U.S.

Respondent is Jeffery Clout, U.S.

2. The Domain Name and Registrar

The disputed domain name <halliburton.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 May 16, 2024. On May 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 17, 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 (Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on May 23, 2024, providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on May 23, 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 Respondent of the Complaint, and the proceedings commenced on May 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2024. Respondent sent an informal email communication to the Center on May 29, 2024.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on July 4, 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

Founded in 1919, Complainant Halliburton is one of the largest providers of products and services to the energy industry. With more than 40,000 employees, representing 130 nationalities, and operations in approximately 70 countries, Complainant serves the upstream oil and gas industry throughout the lifecycle of the reservoir – from locating hydrocarbons and managing geological data to drilling and formation evaluation, well construction and completion – as well as optimizing production through the life of the field. Complainant's annual revenue in 2023 was 23 billion (USD).

Complainant owns trademark registrations for its HALLIBURTON and HALLIBURTON-formative marks in the U.S. and in over 60 other countries. Such registrations include U.S. Registration No. 2,575,819, which issued on June 4, 2002, and U.S. Registration No. 2,575,840, which also issued on June 4, 2002.

The disputed domain name, <halliburton.com>, was registered on April 5, 2024. At the time of filing the Complaint, the disputed domain name resolved to an Index webpage.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

Complainant alleges that the disputed domain name is confusingly similar to the HALLIBURTON trademark. It points out that the disputed domain name merely changed the letter "i" in the mark to the letter "l." This slight change in spelling, Complainant asserts, does not dispel the confusingly similarity between the HALLIBURTON trademark and the disputed domain name; rather, it "actually demonstrates that the Respondent was targeting the Complainant's mark in its scheme to impersonate the Complainant."

Complainant maintains that Respondent has no rights or legitimate interests in the disputed domain name. There is no evidence that Respondent is using the disputed domain name in connection with a bona fide offering of goods or services or that he is making any legitimate noncommercial or fair use of the disputed domain name. Complainant also does not believe Respondent has ever been commonly known by the disputed domain name. Finally, Complainant indicates that Respondent is not affiliated with Halliburton, licensed to use the HALLIBURTON mark, or licensed to register or use domain names, or associated email accounts, incorporating the HALLIBURTON mark.

With respect to the issue of "bad faith" registration and use, Complainant alleges that Respondent's bad faith "is palpable." Complainant points out that it owns trademark registrations in 60 countries around the world and, as such, the HALLIBURTON mark "is well known." Complainant asserts that "[i]t is clear from the relevant circumstances that the Respondent was well aware of the Complainant and had the Complainant's HALLIBURTON mark firmly in mind when registering the Disputed Domain Name."

B. Respondent

An email dated May 29, 2024, from "Hustin Bennard" to the Center, states as follows: "Restore access to my domain. I have provided all the info needed, it wasn't used for illegal activities."

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 and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The case file establishes that Complainant owns a large number of registrations around the world for its HALLIBURTON trademark.

The Panel finds the mark is recognizable within the disputed domain name. The disputed domain name consists of a slight misspelling of the HALLIBURTON mark and, as such, is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

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 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 respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence, as opposed to argument, 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

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Given Complainant's widespread and longstanding use of the HALLIBURTON trademark, the Panel finds that Respondent had actual knowledge of such mark at the time of registration of the disputed domain name. Moreover, the near identity between the mark and the disputed domain name – "HALLIBURTON" versus "halliburton" – not only reinforces a finding of actual knowledge but also supports a determination that Respondent targeted Complainant and its mark through his registration and use of the disputed domain name. As determined in *TPI Holdings, Inc. v. LaPorte Holdings*, WIPO Case No. [D2006-0235](#), "[t]yposquatting – intentionally adding or deleting a letter or two, or transposing letters in a valid mark of another in one's domain name – is presumptive evidence of bad faith in registration and use of a disputed

domain name.” Similar holdings may be found in many other UDRP cases. See, e.g., *Allstate Insurance Co. v. Rakshita Mercantile Private Ltd*, WIPO Case No. [D2011-0280](#); *Classmates Online, Inc v. John Zuccarini, individually and dba RaveClub Berlin*, WIPO Case No. [D2002-0635](#); *Lexar Media, Inc. v. Michael Huang*, WIPO Case No. [D2004-1039](#) (“Typosquatting has been held under the Policy to be evidence of bad faith registration of a domain name.”); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#) (“[typosquatting] is presumptive of registration in bad faith.”) Moreover, the Panel notes that despite the Complainant’s serious claims regarding alleged typosquatting by the Respondent, among other serious allegations, the Respondent not only failed to provide any evidence, but did not even make allegations of rights or legitimate interests, or good faith use of the disputed domain name, other than an unsupported statement that the disputed domain name was not used for “illegal activities.”

Having reviewed the available record, the Panel finds that 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 <halllburton.com> be transferred to Complainant.

/Jeffrey M. Samuels/
Jeffrey M. Samuels
Sole Panelist
Date: July 18, 2024