

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc. v. Jeffery Clout
Case No. D2024-2566

1. The Parties

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

The Respondent is Jeffery Clout, United States.

2. The Domain Name and Registrar

The disputed domain name <halllburton.org> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 24, 2024. On June 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 25, 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 the Complainant on June 26, 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 June 26, 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 July 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 23, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 25, 2024.

The Center appointed Nels T. Lippert as the sole panelist in this matter on August 5, 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 is a corporation organized and existing under the laws of Delaware, United States, with its principal place of business in Houston, Texas, United States. The Complainant states that it was founded in 1919 and is one of the world's largest providers of products and services to the energy industry. The Complainant has more than 40,000 employees with operations in approximately 70 countries.

The Complainant alleges that it has used the HALLIBURTON mark for more than 80 years and owns, inter alia, the following United States Registrations of the HALLIBURTON mark:

U.S. Reg. No. 2,575,819, registered on June 4, 2002 in International Classes 37, 40, and 42; and
U.S. Reg. No. 2,575,840, registered on June 4, 2002 in International Classes 1, 6, 7, 9, and 16.

In addition, the Complainant owns more than 370 trademark registrations in 60 countries for the HALLIBURTON mark and HALLIBURTON – formative marks.

The Complainant also maintains and operates a website at “www.halliburton.com”.

The disputed domain name was registered on March 17, 2024. The disputed domain name currently resolves to an “Account Suspended” page. At the time of the Complaint, the disputed domain name resolved to a website with no offerings and merely connecting to the web server via a cgi-bin interface. In addition, the Respondent posed as a Halliburton recruiter, offering employment to individuals online, and requesting their personal/banking information.

The Respondent is an individual who, according to the Registrar, listed an address in the United States which does not appear from public records to be legitimate.

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 Respondent is not affiliated with the Complainant, licensed to use the Complainant's HALLIBURTON mark, or licensed to register or use the disputed domain name. The Complainant further contends that the disputed domain name is confusingly similar to the HALLIBURTON mark because it differs from the Complainant's mark only by the change of the letter “i” to the letter “l” and that this change actually demonstrates that the Respondent was targeting the Complainant's mark in a scheme to impersonate the Complainant. Specifically, the Complainant has produced evidence of the Respondent's use of the disputed domain name to target prospective employees of the Complainant by posing as a recruiter of the Complainant and requesting personal and banking information for an offer of employment. Therefore, the disputed domain name was registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

As noted above, the Respondent did not respond to the Complainant's allegations. Under the Rules, paragraphs 5(f) and 14(a), the effect of a default by the Respondent is that, in the absence of exceptional circumstances, the Panel should proceed to a decision on the basis of the Complaint. The Panel does not find any exceptional circumstance in this case.

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following:

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

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principle of law it deems applicable”.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the 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. In this case, the disputed domain name is an obvious misspelling of the Complainant's HALLIBURTON trademark. As noted in section 1.9 of [WIPO Overview 3.0](#), “a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element”. In this case, the replacement of the letter “i” with the letter “l” of the Complainant's mark in the disputed domain name is a classic example of typosquatting by substitution of a similar letter. Furthermore, it is well established that the applicable Top-Level Domain (“TLD”) in a domain name 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 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.

Here, the Respondent posed as a Halliburton recruiter, offering employment to individuals online, and requesting their personal/banking information. Panels have held that the use of a domain name for illegal activity here, claimed as unauthorized phishing, impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 Respondent registered and used the disputed domain name in apparent attempt to attract Internet users for the purposes of illegal activity.

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.

Here, the disputed domain name was used for impersonation and posing as a Halliburton recruiter, offering employment to individuals online, and requesting their personal/banking information. Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: phishing, impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <halliburton.org> be transferred to the Complainant.

/Nels T. Lippert/

Nels T. Lippert

Sole Panelist

Date: August 19, 2024