

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc. v. Jeffery Clout
Case No. D2024-2588

1. The Parties

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

The Respondent is Jeffery Clout, United States.

2. The Domain Name and Registrar

The disputed domain name <hallburton.online> 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 25, 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 26, 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 July 2, 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 July 2, 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 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 11, 2024.

The Center appointed Gary Saposnik as the sole panelist in this matter on August 21, 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, the 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, the company 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. The Complainant's annual revenue in 2023 was USD 23 billion.

The Complainant has used its HALLIBURTON mark in commerce for more than 80 years, and amongst its trademark registrations are the following United States registrations:

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

In addition, the Complainant owns trademark registrations for other HALLIBURTON formative marks in the U.S., as well as more than 370 trademark registrations in 60 countries for the HALLIBURTON mark and other HALLIBURTON formative marks.

The Complainant has registered domain names incorporating the HALLIBURTON mark, including its official website at "www.halliburton.com".

The disputed domain name was registered on May 20, 2024. At the time of the Complaint, the disputed domain name was redirecting to the Complainant's website at "www.halliburton.com". In addition, the Respondent posed as a Complainant's recruiter, offering employment to individuals online, and requesting their personal and banking information.

The Respondent is an individual who, according to the Registrar's disclosure, listed an address in the United States.

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, not licensed to use the HALLIBURTON mark, nor licensed to register or use domain names, or use associated email accounts, incorporating the HALLIBURTON mark. The Complainant contends that the disputed domain name consists of a slight, but intentional misspelling of the Complainant's HALLIBURTON mark. It is designed to be and is confusingly similar to the Complainant's distinctive mark, in that the disputed domain name merely changes the letter "I" to "L" in the HALLIBURTON mark. The slight change to the HALLIBURTON mark does not dispel the confusing similarity of the disputed domain name to the Complainant's mark, but actually demonstrates that the Respondent was targeting the Complainant's mark in its scheme to impersonate the Complainant.

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent acquired the disputed domain name for the sole purpose of exploiting the Complainant's rights, title, interest, and goodwill in the HALLIBURTON mark. There is nothing in the record reflecting the Respondent's use of the disputed domain name in connection with a bona fide offering of goods or services. The disputed domain name reverts Internet users to the Complainant's website, clearly indicating that the Respondent was well aware of the Complainant when registering the disputed domain name.

The Respondent cannot claim to be making any legitimate noncommercial or fair use of the disputed domain name, as the evidence reflects the Respondent's intentional mala fide use of the disputed domain name in an attempt to profit from and exploit the Complainant's HALLIBURTON mark through fraud. Furthermore, the Respondent has not been commonly known by the disputed domain name.

The Respondent's conduct represents bad faith registration and use of the disputed domain name. The Respondent's bad faith is palpable, in that the Respondent was well aware of the Complainant and had the Complainant firmly in mind when registering the disputed domain name. By intentionally making only a slight change to the distinctive HALLIBURTON mark, the Respondent was typosquatting, presumptive evidence of bad faith registration and use of the disputed domain name. In addition, the Respondent used 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

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 Complainant has provided registration certificates for the United States registrations listed above, as well as a list of other worldwide registrations for its HALLIBURTON trademark.

The Panel finds the mark is recognizable within the disputed domain name. The disputed domain name contains a slight misspelling of the HALLIBURTON trademark, by replacing the "I" with an "L". Accordingly, the disputed domain name 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 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 Respondent used the disputed domain name in emails to pose as a Complainant's recruiter, offering employment to individuals online, and requesting their personal and banking information. Additionally, the disputed domain name is being used to redirect to Complainant's website at "www.halliburton.com". Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: 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 an apparent attempt to pass off and impersonate as the Complainant and fraudulently obtain personal and financial data from employee candidates. The Respondent also redirected the disputed domain name to the Complainant's main corporate website

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.

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Additionally, this Panel conducted a search of prior UDRP cases and found that the Respondent had established a pattern of bad faith conduct by registering trademark abusive domain names, on two other separate occasions, targeting the current Complainant, and with a similar pattern of conduct. *Halliburton Energy Services, Inc. v. Jeffery Clout*, WIPO Case No. [D2024-2071](#) (<halliburton.com>), and *Halliburton Energy Services, Inc. v. Jeffery Clout*, WIPO Case No. [D2024-2566](#) (<halliburton.org>). Previous UDRP panels have found that this pattern of conduct, even where directed at the same brand owner, is considered in bad faith. [WIPO Overview 3.0](#), section 3.1.2. 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 <hallburton.online> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: September 4, 2024