

## **ADMINISTRATIVE PANEL DECISION**

Equinor ASA v. miracle Mosigbodi  
Case No. D2024-2613

### **1. The Parties**

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

The Respondent is miracle Mosigbodi, Nigeria.

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

The disputed domain name <equinor.top> 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 June 26, 2024. On June 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 28, 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 (Privacy Protect LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 28, 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 paragraphs 2 and 4 of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 4, 2024. In accordance with paragraph 5 of the Rules, the due date for Response was July 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 25, 2024.

The Center appointed Yuji Yamaguchi as the sole panelist in this matter on August 2, 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 paragraph 7 of the Rules.

#### **4. Factual Background**

The Complainant, formerly known as Statoil ASA, has grown up along with the emergence of the Norwegian oil and gas industry dating back to the late 1960s and was founded as The Norwegian State Oil Company (Statoil) in 1972. The Complainant is a broad international energy company with operations in more than 30 countries around the world, developing oil, gas, wind, and solar energy. The Complainant decided to change their name to Equinor ASA in 2018 to shift focus from oil and gas to renewable energy sources such as wind and solar power. The name change was announced on March 15, 2018, and the news were shared and commented worldwide on different media platforms.

In parallel to the official name change, the Complainant registered the EQUINOR trademarks (the "EQUINOR Trademarks") worldwide including the International trademark registration No. 1444675 (registered on July 4, 2018), European Union Trade Mark No. 017900772 (registered on January 18, 2019) and United States Registration No. 6436681 (registered on August 3, 2021).

Furthermore, the Complainant is the owner of more than 100 domain name registrations throughout the world containing the EQUINOR Trademarks distributed among generic Top-Level Domains ("gTLDs") and country code Top-Level Domains ("ccTLDs").

The disputed domain name was registered on June 17, 2024. The Complainant provided evidence that the disputed domain name previously resolved to a login webpage bearing the Complainant's EQUINOR Trademark and requesting an account number and password. The disputed domain name currently resolves to an inactive website.

#### **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's contentions may be summarized as follows:

The EQUINOR Trademarks inherited the famous status of the STATOIL trademarks and became known to everyone who knew the Complainant as Statoil ASA before, due to the widely published name change. Bearing in mind in particular the following factors, (a) the widespread reputation and high degree of recognition of the Complainant's EQUINOR Trademarks and (b) the disputed domain name containing the EQUINOR Trademark in its entirety, the first element has been established.

The Respondent has no rights to or legitimate interests in respect of the disputed domain name based on the Complainant's prior use of its EQUINOR Trademark.

The Respondent has intentionally registered and is using the disputed domain name in bad faith. The Respondent was fully aware of the fact that the disputed domain name incorporated a well-recognized and distinctive trademark in which the Respondent had absolutely no prior rights.

##### **B. Respondent**

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

## 6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must assert and prove the following three elements are present:

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

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

Since the disputed domain name incorporates the entirety of the EQUINOR Trademark, the disputed domain name (excluding the gTLD suffix) is considered identical to the EQUINOR Trademark. See section 1.7 of the [WIPO Overview 3.0](#).

The gTLD ".top" in the disputed domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. See section 1.11.1 of the [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the first element in paragraph 4(a) 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.

As the Complainant asserts, the Respondent is not affiliated or related to the Complainant in any way, or licensed or otherwise authorized to use the EQUINOR Trademark in connection with a website, a domain name or for any other purpose. The Respondent is not using the disputed domain name in connection with any legitimate noncommercial 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 the disputed domain name.

Although the overall burden of proof in the proceedings is on the complainant, where the complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on the second element in paragraph 4(a) of the Policy shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element in paragraph 4(a) of the Policy. See section 2.1 of the [WIPO Overview 3.0](#).

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.

Moreover, the composition of the disputed domain name, being identical to the Complainant's EQUINOR Trademark carries a high risk of implied affiliation. See section 2.5.1 of the [WIPO Overview 3.0](#).

As a result, the Panel finds that the second element in paragraph 4(a) of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The disputed domain name was registered on June 17, 2024. Noting the identical nature of the disputed domain name and the worldwide trademark registrations of the EQUINOR Trademarks predating the registration of the disputed domain name, the Panel finds it implausible that the Respondent was unaware of the well-known EQUINOR Trademarks at the moment of registration of the disputed domain name. See *Equinor ASA v. Domain Administrator, See PrivacyGuardian.org / Eldon Adams, EldonLeaf Inc*, WIPO Case No. [D2022-0279](#). Moreover, the Panel notes that a simple Internet search of "equinor" and "nigeria", where the Respondent is located, (see section 4.8 of the [WIPO Overview 3.0](#)) reveals that the Complainant announced and major news media widely reported on November 29, 2023 the sale of Equinor Nigeria Energy Company (ENEC), which had been operated by the Complainant over the past 30 years, to a Nigerian-owned energy company.

Thus, the Panel finds that the Respondent has registered the disputed domain name in bad faith.

The website to which the disputed domain name was linked, until it was removed on June 24, 2024, displayed the EQUINOR Trademark on the front page. Also, a visitor of the website was given the possibility to log into the website by adding its account number and password or sign up for an account if it did not have an existing account. A visitor of the website was likely to believe that this was a legitimate platform administrated by the Complainant due to the disputed domain name itself and the use of the EQUINOR Trademark on the front page. It is considered that the Respondent intended to impersonate the Complainant, and that the Respondent was attempting to take advantage of the Complainant's reputation to mislead Internet users of the website that was linked to the disputed domain name. Such impersonating use constitutes bad faith. See section 3.4 of the [WIPO Overview 3.0](#).

Although the disputed domain name currently resolves to an inactive website, it does not prevent a finding of bad faith under the doctrine of passive holding in this case, noting in particular the reputation of the Complainant's EQUINOR Trademarks and the composition of the disputed domain name. See section 3.3 of the [WIPO Overview 3.0](#).

Thus, the Panel finds that the Respondent is also using the disputed domain name in bad faith.

Consequently, the Panel concludes that the third element in paragraph 4(a) of the Policy has been established.

### **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.top> be transferred to the Complainant.

*/Yuji Yamaguchi/*

**Yuji Yamaguchi**

Sole Panelist

Date: August 16, 2024