

## **ADMINISTRATIVE PANEL DECISION**

Equinor ASA v. Sophia  
Case No. D2024-3184

### **1. The Parties**

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

The Respondent is Sophia, United States of America (“US”).

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

The disputed domain name <equinor-vip.com> (the “Domain Name”) is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 2, 2024. On August 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 7, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (No information is to be found) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 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 amended Complaint on August 7, 2024.

The Center verified that the Complaint together with the amended 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 August 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 7, 2024.

The Center appointed Wolter Wefers Bettink as the sole panelist in this matter on September 12, 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 Norwegian corporation, formerly known as Statoil ASA, a broad international energy company with operations in more than 30 countries around the world, developing oil, gas, wind and solar energy. It was founded as The Norwegian State Oil Company (Statoil) in 1972, and the Norwegian State holds 67% of the shares. The name of the Complainant was changed to Equinor ASA in 2018.

The Complainant owns a number of trade mark registrations, including (the "Trade Marks"):

- European Union trade mark EQUINOR registered under No. 17900772 on January 18, 2019,
- US trade mark EQUINOR registered under No. 6,436,681 on August 3, 2021,
- International trade mark (Madrid Protocol) EQUINOR registered under No.1444675 on July 4, 2018.

The Domain Name was registered on August 1, 2024.

The website to which the Domain Name resolves (the "Website") contains, inter alia, a video which promotes the services and personnel of the Complainant. As the video ends, the EQUINOR Trade Mark is displayed. Alongside the video, "VIP members" are offered to "lock up" different amounts of US dollars. "VIP members" can also login to the website platform by clicking on the different functions such as "Team", "Task" and "VIP" by using their email address and password. At the bottom of the website is a member list, displaying examples of "VIP members", the amounts of their "lock up", and their (partly anonymized) email addresses.

#### **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 Domain Name, on the following grounds.

By virtue of the Complainant's long use and the renown of the Statoil name, the reputation associated with the STATOIL trademark is considered a well-known trademark within its field of business. After the name change of the company in 2018, the EQUINOR Trade Mark inherited the famous status of the STATOIL mark and became known due to the widely published name change.

The initial part of the Domain Name is identical to the Trade Marks, creating a significant risk of confusion. The addition of the generic term "vip" is most likely a shortening of the term "very important person" and has no decisive impact on the overall assessment of the confusing similarity. Instead, Internet users are most likely to assume that the Domain Name is referring to a membership platform associated with the Complainant, which does not exist. The generic Top Level Domain ("gTLD") ".com" is not sufficient to prevent the confusing similarity or identity. Bearing in mind (a) the widespread reputation and high degree of recognition of the Trade Marks and (b) the Domain Name being identical to the Trade Marks, the Complainant finds that the first element has been established.

The Respondent has no rights to or legitimate interests in respect of the Domain Name based on the Complainant's prior use of the Trade Mark EQUINOR. The Respondent is not affiliated or related to the Complainant in any way, or licensed or otherwise authorized to use the Trade Marks in connection with a website, a domain name or for any other purpose. The Respondent is not using the Domain Name in connection with any legitimate noncommercial or fair use without intent for commercial gain, is not generally

known by the Domain Name and has not acquired any trademark or service mark rights in that name. The Respondent is neither using the Domain Name in connection with a bona fide offering of goods or services.

Therefore, the Respondent has no rights or legitimate interests in respect of the Domain Name.

The Respondent has intentionally registered and is using the Domain Name in bad faith. It is apparent from the composition of the Domain Name that the Respondent chose to register a name that contains a mark that is identical to the Trade Marks. The Respondent was fully aware of the fact that it incorporated a well-recognized and distinctive trade mark in which the Respondent had absolutely no prior rights.

The Domain Name was registered on August 1, 2024. Given the long use of the Trade Marks across the world and the trade mark registrations predating the registration of the Domain Name, the Respondent has registered the Domain Name in bad faith.

Internet users visiting the Website are likely to believe that this is a legitimate platform, administered by the Complainant due to the Domain Name itself, the use of the EQUINOR logo, the marketing video and other content on the website. The overall impression is that the Respondent intends to impersonate the Complainant and that the Respondent is attempting to take advantage of the reputation of the Trade Marks to divert Internet user to the Website. Furthermore, as the DNS “mail exchange” (“MX”) records are active, there is a high risk that fraudulent emails are being distributed from the Domain Name. When Internet users receive an email from the Domain Name and subsequently access the content of the Website, they will find what appears to be the Complainant’s official website. This could convince them that any communication is indeed pertaining to the Complainant. Therefore, the Respondent has intentionally attempted to attract Internet traffic, for commercial gain by creating a likelihood of confusion with the Trade Marks, thereby using the Domain Name in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Complainant has shown that it has registered rights in the Trade Marks. The Domain Name is confusingly similar to the Trade Marks as it incorporates the EQUINOR Trade Mark in its entirety. The addition of the term “vip”, which is a common abbreviation of the expression “very important person”, in the Domain Name does not avoid a finding of confusing similarity between the Domain Name and the Trade Marks (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8; see also, inter alia, *TPI Holdings, Inc. v. Carmen Armengol*, WIPO Case No. [D2009-0361](#), and *F. Hoffmann-La Roche AG v. John Mercier*, WIPO Case No. [D2018-0980](#)). The gTLD “.com” is typically disregarded under the confusing similarity test, since it is a technical registration requirement ([WIPO Overview 3.0](#), section 1.11.1). Therefore, the Panel finds that the Domain Name is confusingly similar to the Trade Marks in which the Complainant has rights.

### **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.

Based on the evidence and the undisputed submissions of the Complainant, the Panel concludes that the Respondent has not received the Complainant's authorization or consent to use the Trade Marks as part of the Domain Name, is not commonly known by the Domain Name, and has not acquired trade mark rights in the Domain Name. In addition, the Respondent's use of the Domain Name does not constitute a bona fide offering of goods or services, since the Domain Name resolves to a website which, using the Trade Marks, creates the false impression of a relationship with or authorization of its services by the Complainant, while it does not contain a disclaimer or clarification with respect to the non-existence of such affiliation. In addition, the Respondent uses the Trade Marks on the Website and as part of the Domain Name to obtain payments from so-called "VIP members" who have registered as such on the Website. In addition, the Respondent has activated the MX records relating to the Domain Name to direct email to a mail server under the Domain Name, which may suggest to recipients of such emails that they are originating in or authorized by the Complainant. Under these circumstances, the Respondent cannot be considered to make a legitimate noncommercial or fair use of the Domain Name.

In view of the above, the Panel concludes that the Complainant has established that the Respondent has no rights or legitimate interests in the Domain Name.

### **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. This list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, leaves open that other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. See [WIPO Overview 3.0](#), section 3.2.1.

Based on the undisputed information and the evidence provided by the Complainant, the Panel finds that at the time of registration of the Domain Name the Respondent was or should have been aware of the Trade Marks, since:

- the Respondent's registration of the Domain Name occurred more than six years after the registration of the earliest of the Trade Marks;
- the Respondent has incorporated EQUINOR, of which the Trade Marks consist, in their entirety, and this is a coined term;
- a simple trademark register search, or even an Internet search, prior to registration of the Domain Name would have informed the Respondent of the existence of the Trade Marks.

Since the Respondent has no authorization from or other affiliation with the Complainant and was or should have been aware of the Complainant's rights at the time of registration, the Domain Name was registered in bad faith.

With regard to bad faith use, the Panel finds that the use of the Trade Marks on the Website as well as the offer to "lock up" an amount, apparently to become a "VIP member" of Equinor, where no such position or opportunity is offered by the Complainant, implies that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Trade Marks as to the source, sponsorship, affiliation, or endorsement of its website and the services offered on that website. In addition, the following circumstances taken together warrant a finding of bad faith use of the Domain Name:

- the probability that the Respondent was aware or should have been aware of the Complainant's rights in the Trade Marks;
- the lack of a formal Response of the Respondent;
- the composition of the Domain Name.

Therefore, the Panel concludes that the Domain Name has been registered and is being used in bad faith.

## **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-vip.com> be transferred to the Complainant.

*/Wolter Wefers Bettink/*

**Wolter Wefers Bettink**

Sole Panelist

Date: September 24, 2024