

ADMINISTRATIVE PANEL DECISION

CenterPoint Energy, Inc. v. Carolina Rodrigues,
Fundacion Comercio Electronico
Case No. D2024-3298

1. The Parties

The Complainant is CenterPoint Energy, Inc., United States of America (“United States”), represented by Fibbe Lightner, LLP, United States.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <centerponntenergy.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 12, 2024. On August 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 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 (Registration Private; Registry Domain ID: 2887983423_DOMAIN_COM-VRSN) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 16, 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 August 20, 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 August 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 13, 2024.

The Center appointed Marie-Emmanuelle Haas as the sole panelist in this matter on September 27, 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

Complainant, CenterPoint Energy, Inc., is a well-known company in the United States, with over a billion dollars in net income, operating in the field of energy delivery, including electric transmission and distribution, natural gas distribution and energy services operations.

It delivers energy to approximately 4 million homes and businesses in six American states.

It first adopted the name “CenterPoint Energy” on February 2, 2001, more than 20 years ago.

The Complainant operates a website connected to its domain name <centerpointenergy.com> which it registered on December 12, 2000. Through its website, Complainant’s customers may review their bills and make payments, monitor their electricity and gas usage, and request a service call, among other things.

Complainant is the registered owner of the following CENTERPOINT ENERGY trademarks:

- United States trademark No. 2863036 filed on May 23, 2001, registered on July 13, 2004
- United States trademark No. 2863037 filed on May 23, 2001, registered on July 13, 2004
- United States trademark No. 2823759 filed on May 23, 2001, registered on March 16, 2004

The disputed domain name <centerponntenergy.com> was registered on June 5, 2024, by Carolina Rodrigues, Fundacion Comercio Electronico, domiciled in Panama.

The Registrant was a respondent in hundreds of prior UDRP procedures.

The disputed domain name resolves to a webpage providing “related searches”, specifically pay-per-click (PPC) links in the field of energy, to compare electricity rates or prices.

5. Parties’ Contentions

A. Complainant

Notably, the Complainant contends the following on each of the three elements.

On confusing similarity

The disputed domain name is comprised solely of a typographical misspelling of the Complainant’s well-known CENTERPOINT ENERGY trademark and is confusingly similar with and virtually identical to the Complainant’s CENTERPOINT ENERGY mark.

Indeed, the disputed domain name consists of Complainant’s CENTERPOINT ENERGY mark in its entirety, with the “i” replaced with the letter “n”.

It is well-settled that the addition of a single letter does not sufficiently distinguish a domain name so as to preclude confusing similarity. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third

Edition, (["WIPO Overview 3.0"](#)) Section 1.9. Domain names that constitute typosquatting, as the disputed domain name does, are deemed confusingly similar to the mark they intentionally modify.

Therefore, the disputed domain name is confusingly similar to the CENTERPOINT ENDERGY trademark.

On the absence of rights or legitimate interests

Respondent is a typosquatter and has registered Complainant's trademark with a minor typographical error.

Respondent is not and never has been known by the disputed domain name and has not been authorized, licensed, or otherwise permitted by the Complainant to use the CENTERPOINT ENERGY trademark, nor is Complainant in any way or manner associated with or related to Respondent.

Based on the searches Complainant has undertaken, no other person or legal entity owns registered trademark rights corresponding to CENTERPOINT ENERGY anywhere in the world, nor has anyone applied for such a registration.

It is added that CENTERPOINT ENERGY has no common meaning in the English language.

Respondent offers no goods or services through the disputed domain name and operates no bona fide business.

Respondent is using the disputed domain name to resolve to a website page containing PPC links to other websites, what cannot be identified as a bona fide use.

Given the extensive use of the Complainant's trademarks and the fact that it is uniquely linked to the Complainant, the Respondent must have been aware of this when it registered the disputed domain name.

On bad faith registration and use

Complainant relies on the fact that the disputed domain name is confusingly similar to its CENTERPOINT ENERGY trademark is a presumption of bad faith.

Registering the disputed domain name 20 years after the CENTERPOINT ENERGY trademark was registered and started to be extensively used and using it to resolve to a website offering to compare electricity prices underscores the Respondent's bad faith.

The Respondent is a "serial" cybersquatter, as proved by the 400 prior UDRP decisions in which it was decided against her.

This is a classic cybersquatting case that the UDRP is meant to proscribe.

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 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 disputed domain name is composed of a misspelling of the Complainant's CENTERPOINT ENERGY trademark.

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 1.9.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the disputed domain name by demonstrating any of the following:

(i) before any notice to it of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain, to misleadingly divert consumers, or to tarnish the trademark or service mark at issue.

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.

The Complainant proves that the disputed domain name was used without any authorization to misleadingly divert Internet users, using the reputation of the CENTERPOINT ENERGY trademark.

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 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 examples of circumstances that will be considered by a Panel to be evidence of bad faith registration and use of the disputed domain name.

It provides that:

For the purposes of paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the Respondent has registered, or the respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

In the present case, the Panel is of the opinion that the Respondent could not ignore the Complainant's rights on the CENTERPOINT ENERGY trademark when it decided to register the disputed domain name, which amounts to registration in bad faith. [WIPO Overview 3.0](#), section 3.2.2.

The Panel is of the opinion that Complainant has established a pattern of bad faith conduct, consisting of hundreds of UDRP cases decided against the Respondent in the last years. [WIPO Overview 3.0](#), section 3.1.2.

The use of the disputed domain name to resolve to a website offering to compare electricity prices constitutes bad faith use within the meaning of paragraph 4(b)(iv) of 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 <centerponntenergy.com> be transferred to the Complainant.

/Marie-Emmanuelle Haas/

Marie-Emmanuelle Haas

Sole Panelist

Date: October 11, 2024