

## **ADMINISTRATIVE PANEL DECISION**

CenterPoint Energy, Inc. v. Domain Administrator / Fundacion Privacy Services LTD

Case No. D2024-3324

### **1. The Parties**

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

The Respondent is Domain Administrator / Fundacion Privacy Services LTD, Panama.

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

The disputed domain name <centerpointenegy.com> is registered with Media Elite Holdings Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 14, 2024. On August 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 17, 2024.

The Center appointed Andrea Cappai as the sole panelist in this matter on September 23, 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 United States based company operating in the energy delivery sector, with services including electric transmission and distribution, natural gas distribution, and energy services operations. It supplies natural gas and electricity to millions of homes, factories, and businesses across the United States, reporting a net income exceeding one billion dollars.

The Complainant holds numerous trademark registrations for the mark CENTERPOINT ENERGY, including:

1. United States Reg. No. 2863036  
Mark/Name: CENTERPOINT ENERGY  
Application Date: May 23, 2001  
Registration Date: July 13, 2004

2. United States Reg. No. 2863037  
Mark/Name: CENTERPOINT ENERGY  
Application Date: May 23, 2001  
Registration Date: July 13, 2004

3. United States Reg. No. 2823759  
Mark/Name: CENTERPOINT ENERGY  
Application Date: May 23, 2001  
Registration Date: March 16, 2004

The Complainant also operates a website connected to its domain name, <centerpointenergy.com>, which was registered on December 12, 2000.

The disputed domain name <centerpointenegy.com> was registered on August 23, 2004, and most recently updated on August 14, 2024.

At the time of filing the Complaint, the disputed domain was being used to host a parking page with pay-per-click ("PPC") links, including those related to the energy sector. Based on available records, the Respondent also appears to have used the disputed domain name to create an email address from which an online inquiry was sent.

No further information about the Respondent is currently available.

#### **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 disputed domain name is a typographical error of the Complainant's well-known CENTERPOINT ENERGY trademark, making it confusingly similar and nearly identical to the Complainant's mark.

The Complainant confirms that the Respondent has no authorization, licence, or permission to use the CENTERPOINT ENERGY trademarks and that there is no affiliation or relationship between them.

The Respondent has misused the disputed domain name to direct it to a webpage filled with links to other websites. There is no indication of the Respondent using the disputed domain name for any bona fide offering of goods or services. Instead, the Respondent seeks to confuse consumers into thinking they are visiting the Complainant's legitimate website. The Respondent has also sent an inquiry using an email tied

to the disputed domain name, falsely referencing “Utility Use Case(s)” to give the impression that the email came from the Complainant.

This misuse intentionally misleads consumers for commercial gain by diverting those searching for <centerpointenergy.com> to <centerpointenegy.com>, the Respondent likely earning revenue from this misdirection.

Additionally, the fraudulent inquiries sent by the Respondent, seemingly aiming to deceive businesses wishing to deal with the Complainant, demonstrate clear knowledge of the Complainant’s trademarks and indicate bad faith in the use of <centerpointenegy.com>.

## **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 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.

The disputed domain name incorporates the Complainant’s mark almost fully, with just the omission of the letter “R” from “energy.” This minor change does not prevent confusing similarity between the disputed domain name and the Complainant’s trademark.

Domain names that feature common, obvious, or intentional misspellings of trademarks are typically considered confusingly similar to the original mark under the first element. [WIPO Overview 3.0](#), section 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 Complainant confirms that the Respondent has no authorization or affiliation to use the Complainant's trademark in connection with any domain names. The similarity between the disputed domain name and the Complainant's mark suggests an intentional attempt by the Respondent to mislead users and capitalize on this connection, thereby ruling out any legitimate rights or interests in the disputed domain name.

At the time of the Complaint, the disputed domain name led to a parked page containing PPC links. This kind of use, especially when PPC links exploit the Complainant's mark or mislead users, does not constitute a legitimate offering. Additionally, the Respondent's actions, including the use of an email address associated with the disputed domain name to send fraudulent inquiries aimed at deceiving potential business partners of the Complainant, further invalidate any claim to legitimate rights or interests in the disputed domain name.

Panels have consistently ruled that using a domain name for illegal activities, such as phishing, malware distribution, or impersonation, cannot establish any rights or legitimate interests for 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 a domain name that closely resemble the Complainant's well-known trademark.

This strong connection suggests the Respondent's opportunistic bad faith. Given the significance of the Complainant's trademark and its considerable market presence, it is evident to the Panel that the Respondent was fully aware of the Complainant's rights and sought to benefit commercially by misleading Internet users through confusion.

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, such as phishing, malware distribution, or impersonation, 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 Respondent used the disputed domain name to falsely represent themselves as the Complainant, not only by associating the disputed domain name with a website containing PPC links related to the Complainant's industry, but also by engaging in phishing attempts and/or distributing malware through an email account. These actions could easily mislead recipients into believing the emails originated from the Complainant.

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 <centerpointenergy.com> be transferred to the Complainant.

*/Andrea Cappai/*

**Andrea Cappai**

Sole Panelist

Date: October 7, 2024