

## **ADMINISTRATIVE PANEL DECISION**

Saudi Arabian Oil Co. v. Zuhail Topuz  
Case No. D2024-3532

### **1. The Parties**

The Complainant is Saudi Arabian Oil Co., Saudi Arabia, represented by Fish & Richardson P.C., United States of America.

The Respondent is Zuhail Topuz, Türkiye.

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

The disputed domain name <aramcoproforce.com> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 30, 2024. On September 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 3, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 6, 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 September 8, 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 September 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 1, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 2, 2024.

The Center appointed Adam Samuel as the sole panelist in this matter on October 7, 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 major international oil company, founded in 1933. It is headquartered in Saudi Arabia and has subsidiaries and affiliates in a number of other countries. It owns, among others, a European Union trademark for ARAMCO, registration number 012676045, registered on August 15, 2014.

The Complainant registered the domain name <aramco.com> on January 27, 1994, through which it promotes its products and services.

On June 21, 2024, the Complainant made a number of trademark applications for ARAMCO PROFORCE, in Canada, the European Union, the Philippines, and the United Kingdom with a view to using this name for a new line of fuels that would become available shortly at the Complainant's branded retail petrol stations around the world. On the same day, the Respondent registered the disputed domain name. The website to which the disputed domain name resolves offers the domain name for sale for USD 2,850.

#### **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.

The Respondent has registered the disputed domain name incorporating the entirety of Complainant's distinctive ARAMCO trademark, followed by the term "proforce" and the generic Top-Level Domain ("gTLD") ".com". The gTLD is a standard registration element and thus to be disregarded in the confusing similarity test. If a domain name includes the entirety of a trademark or a dominant feature of the mark, it is generally considered confusingly similar to that trademark for UDRP purposes.

In this case, the disputed domain name includes the complete ARAMCO trademark, making it clearly recognizable. The addition of the term "proforce" does not negate the confusing similarity. The inclusion of additional terms like "proforce" does not preclude a finding of confusing similarity. Moreover, in this case, the term "proforce" exacerbates the likelihood of confusion, as it is the name of the Complainant's new premium fuel line.

The Respondent is not commonly known by the disputed domain name or associated with "Aramco" or "Aramco Proforce". The Respondent does not have authorization or a license to use the ARAMCO trademark. There is no evidence that the Respondent is affiliated with Aramco or has been granted any rights to use the ARAMCO trademark. The Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair use. The disputed domain name currently resolves to a website where it is offered for sale at a price well above standard registration fees. This does not qualify as a bona fide offering or legitimate noncommercial use.

The Complainant's longstanding rights in the ARAMCO trademark, used since at least 1944, and its recent trademark filings for ARAMCO PROFORCE around the world establish that Respondent was well aware of Aramco's established trademark rights and future intentions when registering the disputed domain name. ARAMCO is a coined and distinctive term, not generic or descriptive. It refers to "Arabian American Oil Company," the Complainant's former name. This distinctiveness means that only someone with knowledge of the mark could have registered the domain name. The registration of the domain name for sale at a price higher than typical registration fees also demonstrates bad faith. Here, the disputed domain resolves to a

website offering it for sale at USD 2,850, well above standard registration and maintenance costs. Lastly, the Respondent registered the disputed domain name to prevent the Complainant from reflecting its new ARAMCO PROFORCE trademark in a corresponding domain name and that Respondent has been engaged in a pattern of such bad faith practices under Paragraph 4(b)(ii). The Respondent has been involved in numerous UDRP cases indicating a pattern of cybersquatting,

## **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(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**

The disputed domain name consists of the Complainant's trademark ARAMCO, the word "proforce" which reflects its proposed new brand and the gTLD ".com".

The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 1.8 of the [WIPO Overview 3.0](#) says:

"Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, [...] or otherwise) would not prevent a finding of confusing similarity under the first element."

Here, the added term describes a new brand of the Complainant.

For all these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark.

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

### **B. Rights or Legitimate Interests**

The Respondent is not called "Aramco", "Aramco Proforce" or anything similar. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks. The Respondent does not appear to have used the disputed domain name for any legitimate purpose.

For these reasons, the Panel concludes that the Complainant has met this element. See section 2.1 of the [WIPO Overview 3.0](#).

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

The only use to which the Respondent has put the disputed domain name has been to offer the disputed domain name for sale for USD 2,850. Paragraph 4(b)(i) of the Policy states that registration of the disputed 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 owner’s] documented out-of-pocket costs directly related to the domain name” is evidence of the registration and use of a domain name in bad faith.

The Complainant’s trademark is a made-up name with no independent meaning and “proforce” was a name that the Complainant intended to use for its new brand. The Panel concludes that the Respondent registered the disputed domain name knowing of the Complainant and its proposed new brand in order to disrupt the Complainant’s business in preventing it from reflecting the brand in a domain name. The evidence of the use to which the Respondent has made of the disputed domain name shows that the Respondent presumably did this in order to persuade the Complainant to buy the disputed domain name for an amount in excess of the Respondent’s out-of-pocket costs directly related to that domain name (absent any evidence from the Respondent to the contrary).

For all these reasons, 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 <aramcoproforce.com> be transferred to the Complainant.

*/Adam Samuel/*

**Adam Samuel**

Sole Panelist

Date: October 16, 2024