

ADMINISTRATIVE PANEL DECISION

CenterPoint Energy, Inc. v. Centerpoint Energys
Case No. D2024-3574

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 Centerpoint Energys, Nigeria.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 3, 2024. On September 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 4, 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; Registry Domain ID: 2867136888_DOMAIN_COMVRSN) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 9, 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 September 24, 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 September 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 16, 2024.

The Center appointed Knud Wallberg as the sole panelist in this matter on October 18, 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, CenterPoint Energy, Inc., is a company in the United States, operating in the field of energy delivery, including electric transmission and distribution, natural gas distribution, and energy service operations.

The Complainant is the owner of several word mark and logo registrations for the trademark CENTERPOINT ENERGY including the following United States trademark registrations:

- Reg. No. 2863036, CENTERPOINT ENERGY (word), registered on July 13, 2004, in International Class 42;
- Reg. No. 2863037, CENTERPOINT ENERGY (word), registered on July 13, 2004, in International Class 36;
- Reg. No. 5291107, CENTERPOINT ENERGY (logo), registered on September 19, 2017, in International Classes 35, 37, 41, 42 and 45.

The Complainant is also the owner of the domain name <centerpointenergy.com>, which connects to its website through which the Complainant's customers may review their bills and make payments, monitor their electricity and gas usage, and request service calls.

The disputed domain name <centerpointenergys.com> was registered on March 27, 2024, and resolves to a website featuring the Complainant's registered word mark and logo and many energy-related photos.

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 confusingly similar to the Complainant's CENTERPOINT ENERGY trademark, since it is identical to the mark CENTERPOINT ENERGY save for the misspelling of CENTERPOINT ENERGY by adding an "s" at the end.

The Complainant further submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the CENTERPOINT ENERGY marks, nor is the Complainant in any way or manner associated with or related to the Respondent. In addition, the Respondent offers no bona fide goods or services through the disputed domain name and has no intention to do so. Rather, the Respondent is exploiting the disputed domain name to resolve to a website page that displays the Complainant's registered CENTERPOINT ENERGY word mark and logo, references a main office in downtown Houston, Texas, where the Complainant's headquarters are located, provides email addresses associated with the disputed domain name, and references the Complainant's services of providing natural gas and electricity.

Finally, the Complainant submits that the disputed domain name was registered and is being used in bad faith. By registering the disputed domain name with a slight misspelling of the Complainant's well-known mark, the Respondent is intentionally misleading consumers searching for the Complainant and is either phishing for consumer information or otherwise defrauding consumers for commercial purposes. Moreover,

the Respondent labels the top of the webpage associated with the disputed domain name with the Complainant's word mark CENTERPOINT ENERGY and its registered logo, which constitutes trademark infringement and underscores the Complainant's bad faith use.

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 entirety of the mark is reproduced within the disputed domain name, which only differs from the mark by the addition of an "s" at the end. 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 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 information demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Furthermore, the Panel finds that the use of the disputed domain name to impersonate the Complainant can never confer rights or legitimate interests on the 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 considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, 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 of a service on the Respondent's website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

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 <centerpointenergys.com> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: November 4, 2024