

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Sophia
Case No. D2024-3616

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.

2. The Domain Name and Registrar

The disputed domain names <eqnr-usdt.com>, <eqnr-usdt.net> and <equinor-mall.org> are registered with Dominet (HK) Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 6, 2024. On September 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 9, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 10, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

On September 16, 2024, the Complainant asked the Center to include an additional domain name to the Complaint. On September 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the additional disputed domain names. The registrar confirmed that it is the same registrant and contact information previously disclosed. The Center sent an email communication to the Complainant on September 23, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The same day, the Complainant filed an amendment to the Complaint.

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 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 15, 2024.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on October 24, 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, originally founded in 1972. The Complainant is a broad international energy company with operations in more than 30 countries around the world developing oil, gas, wind and solar energy. Statoil ASA had grown up along with the emergence of the Norwegian oil and gas industry dating back to the late 1960s. Statoil ASA decided to change their name to Equinor in 2018. The name change was announced on the March 15, 2018, and the news was shared and commented worldwide on different media platforms.

According to the evidence submitted, the Complainant owns multiple registrations for the trademark EQUINOR, including, but not limited to European Union Trade Mark No. 017900772, registered on January 18, 2019; EQUINOR, International trademark registration No. 1444675 registered on July 4, 2018; and EQUINOR, United States Registration No. 6436681 registered on August 3, 2021. In addition, the Complainant is the owner of more than 100 domain name registrations throughout the world containing the EQUINOR mark distributed among generic Top-Level Domains (“gTLD”) and country code Top-Level Domains (“ccTLDs”), including the domain name <equinor.com> which is used to resolve to its official website.

The disputed domain names were registered on the following dates: <eqnr-usdt.com> and <eqnr-usdt.net> both registered on September 4, 2024; and <equinor-mall.org> registered on September 6, 2024, and are therefore of a later date than the abovementioned trademark registrations of the Complainant. At the time of the Decision, the disputed domain names do not resolve to an active website. According to the Complainant’s evidence, previously the disputed domain names redirected to various cryptocurrency-related platforms, clearly and prominently displaying the Complainant’s EQUINOR trademarks at several locations on those websites.

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 names.

Notably, the Complainant contends that it is the owner of a number of registered trademarks consisting of EQUINOR and that it has a strong reputation for the products under this trademark. The Complainant asserts that the disputed domain names are confusingly similar to the abovementioned trademarks since they each incorporate such trademarks or since at least the trademarks remain recognizable within the disputed domain names, with the mere addition of generic terms. The Complainant also argues that the

Respondent used the disputed domain names to direct internet users to a number of cryptocurrency-related platforms where the Complainant's trademarks were prominently displayed. The Complainant essentially contends that the Respondent has intentionally attracted Internet users for commercial gain to the Respondent's websites, by creating consumer confusion between the websites associated with the disputed domain names and the Complainant's trademarks. The Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain names, which, it argues, were registered and are used in bad faith.

The Complainant requests the transfer of the disputed domain names.

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 names. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds 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.

For disputed domain name <equinor-mall.org>, the entirety of the mark is reproduced within the disputed domain name. Accordingly, this disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

For the disputed domain names <eqnr-usdt.com> and <eqnr-usdt.net>, the Panel finds the mark EQUINOR remains easily recognizable within the disputed domain names. This finding is also reinforced by the fact that the Complainant uses the "EQNR" acronym on the New York Stock Exchange (NYSE) for the Complainant's shares and therefore has a stable connection to the Complainant and its marks. Accordingly, these disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, respectively "-mall" and "-usdt", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, 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 disputed domain names.

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 domain names 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 names. 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 names such as those enumerated in the Policy or otherwise.

Moreover, upon review of the facts and evidence, the Panel notes that the Respondent has not provided any evidence of the use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Instead, upon review of the facts and the evidence submitted in this proceeding, the Panel notes that the disputed domain names directed to various cryptocurrency-related platforms, clearly and prominently displaying the Complainant's EQUINOR trademarks at several locations of those websites. The websites also did not display any accurate and prominent disclaimers regarding the lack of relationship between the Complainant and the Respondent. It is clear to the Panel from the foregoing elements that the Respondent could not be considered a good faith provider of goods or services under the disputed domain names, see also *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). Given the abovementioned elements, the Panel concludes that the Respondent's use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain names.

However, the Panel notes that on the date of this Decision, the disputed domain names direct to inactive webpages. In this regard, the Panel finds that holding domain names passively, without making any use of them, also does not confer any rights or legitimate interests in the disputed domain names on the Respondent in the circumstances of this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Given the intensive use, fame, and distinctiveness of the Complainant's prior registered trademarks, the Panel finds that the subsequent registration of the disputed domain names, which are confusingly similar to such marks, clearly and consciously targeted the Complainant's prior registered trademarks. The Panel also notes that these trademarks have been considered well-known by other panels applying the Policy (see for instance *Equinor ASA v. Name Redacted*, WIPO Case No. [D2024-0258](#)). The Panel therefore deduces from the Respondent's efforts to consciously target the Complainant's well-known prior trademarks that the Respondent knew of the existence of the Complainant's trademarks at the time of registering the disputed domain names. This finding is further confirmed by the fact that the disputed domain names all resolved to active websites displaying the Complainant's EQUINOR trademarks, since this proves that the Respondent was fully aware of the Complainant, its marks, and its business. In the Panel's view, the foregoing elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain names in bad faith.

As to use of the disputed domain names in bad faith, the Complainant provides evidence that the use of the disputed domain names, which were linked to various cryptocurrency-related platforms, clearly and prominently displaying the Complainant's EQUINOR trademarks at several locations of those websites, showed the Respondent's clear intent to create a likelihood confusion with the Complainant for commercial gain. The Panel concludes from these facts that the Respondent has intentionally attracted Internet users for commercial gain to such websites, by creating consumer confusion between the websites associated with the disputed domain names and the Complainant's trademarks. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. The Panel therefore finds that it has been demonstrated that the Respondent has used, and is using these disputed domain names in bad faith.

Moreover, the Panel notes that on the date of this Decision the disputed domain names direct to inactive, error or blank webpages. Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the distinctiveness and well-known nature of the Complainant’s trademarks, the composition of the disputed domain names which makes it inconceivable that the Respondent may use them for any future good faith use, and finds that in the circumstances of this case the passive holding of these disputed domain names does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.0](#), section 3.3.

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 names <eqnr-usdt.com>, <eqnr-usdt.net>, and <equinor-mall.org> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: November 4, 2024