

ADMINISTRATIVE PANEL DECISION

Bechtel Global Corporation v. Steve Ryan, Florida Chem
Case No. D2024-3905

1. The Parties

The Complainant is Bechtel Global Corporation, United States of America (“United States”), represented by ZeroFox, United States.

The Respondent is Steve Ryan, Florida Chem, United States.

2. The Domain Name and Registrar

The disputed domain name <bechtelshipping.com> is registered with SRS AB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 24, 2024. On September 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 26, 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 (Protected) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 27, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

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 October 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 31, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 1, 2024.

The Center appointed Kathryn Lee as the sole panelist in this matter on November 8, 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 part of the Bechtel Group, Inc., a globally-operating group of engineering, construction, and procurement companies registered in the United States. Bechtel Group was founded in 1898 and has completed more than 25,000 products in 160 countries and in 2019, had approximately 38,000 employees. Bechtel Group has managed construction of the Hoover Dam, the Tacoma Narrows Bridge, Jubail Industrial City, and the Chunnel. The Bechtel Group, Inc. owns a number of trademark registrations for the BECHTEL mark, including the following registered in the United States: Trademark Registration Number 1196429 registered on May 25, 1982, Trademark Registration Number 1047369 registered on August 31, 1976, and Trademark Registration Number 1086326 registered on February 28, 1978.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on March 7, 2024, and does not resolve to any website with content. The disputed domain name was used for fraudulent purposes.

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 mark in which the Complainant has rights since the disputed domain name contains the Complainant's exact mark, only with the additional word "shipping", which is descriptive and does not prevent a finding of confusing similarity. Rather, the Complainant contends that as the Complainant is in the business of logistics-related products and shipping, this additional term increases consumer confusion.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant also contends that there is no evidence of the use of the disputed domain name in connection with any bona fide offering of goods or services, nor preparations of such, nor use of the disputed domain name for fair use or noncommercial purpose.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. The Complainant contends that the disputed domain name was used to perpetuate fraud and attempt substantial theft exploiting a common practice in the shipping industry where large shipping companies purchase invoices from smaller shipping companies; this practice allows larger shipping companies to assume responsibility for collecting payment of invoices while smaller shipping companies can quickly realize revenue. Specifically, the Complainant contends that the Respondent impersonated a legitimate shipping vendor and issued fraudulent invoices for work purportedly completed for the Complainant. The invoices used the BECHTEL trademark, the Complainant's current and past business addresses, an email address generated from the disputed domain name, and the name of Bechtel's actual Chief Procurement Officer in order to make them appear legitimate. A larger shipping company purchased those fraudulent invoices and attempted to collect payment for the invoices from the Complainant, when it discovered that the Complainant never issued such invoices.

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 BECHTEL mark is reproduced 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.

Although the addition of other terms – here, “shipping” – may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

Panels have held that the use of a domain name for illegal activity - here, claimed phishing and impersonation/passing off – can never confer rights or legitimate interests on 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 used the disputed domain name to issue fraudulent invoices indicated with the Complainant's trademark, the Complainant's current and past business addresses, an email address generated from the disputed domain name which includes the Complainant's trademark, and the name of Bechtel's actual Chief Procurement Officer, in an apparent attempt to perpetuate fraud. Based on this, it is apparent that the Respondent targeted the Complainant when registering the disputed domain name and that the Respondent intentionally registered the disputed domain name which is confusingly similar to the Complainant's BECHTEL mark in order to carry out this scheme.

Panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off – 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 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 <bechtelshipping.com> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: November 21, 2024