

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Taylor Eq
Case No. D2024-4195

1. The Parties

The Complainant is Equinor ASA, Norway, represented by Rouse AB (Valea AB trading as Rouse AB), Sweden.

The Respondent is Taylor Eq, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <eqnr-br.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 11, 2024. On October 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 14, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 14, 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 October 15, 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 October 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 13, 2024.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on November 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 is an international energy company based in Norway with operations in more than 30 countries around the world developing oil, gas, wind and solar energy. It was founded as The Norwegian State Oil Company (known as "Statoil") in 1972, and changed its name to "Equinor" in 2018 with much publicity in both domestic and international markets. In the New York Stock Exchange, the Complainant is identified by the abbreviation of its name "EQNR", and it operates internationally under the EQUINOR brand. According to the Complainant's official website at "www.equinor.com", the Complainant operates in the United States since 1987, and it operates in Brazil for more than two decades. The Panel, under its general powers articulated, inter alia, in paragraph 10 of the Rules, has consulted the Complainant's official website.

The Complainant is the owner of a number of trademark registrations for its brand around the world, including:

- European Union Trade Mark No. 017900772, EQUINOR, word, registered on January 18, 2019, in Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41, and 42;
- Norwegian Reg. No. 298813, EQUINOR, word, registered on July 12, 2018, in Classes 4, 40, and 42;
- International Reg. No. 1444675, EQUINOR, word, registered on July 4, 2018, in Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41, and 42; and
- United States Reg. No. 6,436,681, EQUINOR, word, registered on August 3, 2021, in Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41, and 42;

(collectively hereinafter referred as the "EQUINOR mark").

Prior decisions under the Policy have recognized the international renown of the EQUINOR mark.¹

The Complainant further owns numerous domain names corresponding to its EQUINOR mark, including the domain name <equinor.com>, which resolves to its official website.

The disputed domain name was registered on July 29, 2024, and it is currently apparently inactive resolving to an Internet browser error message indicating, "This site can't be reached". According to the evidence provided by the Complainant, the disputed domain name was previously related to the subdomain <m.eqnr-br.com>, which resolved to a website, in Portuguese, that promoted various investment projects in the energy field, as well as a login page seeking sensitive password information. This site included various photographs of oil platforms, solar panels and related images, and indicated within its section related to the introduction of the company that "EQNR is an international energy company committed to creating long-term value for a future of [...]".

¹See, e.g., *Equinor ASA, v. Randall Attwood, Adam Bukowsky*, WIPO Case No. [D2023-3280](#); *Equinor ASA v. Sophia*, WIPO Case No. [DCC2024-0024](#); *Equinor ASA v. Timothy Duncce*, WIPO Case No. [D2023-3347](#); or *Equinor ASA v. Zainul Adim*, WIPO Case No. [D2024-1134](#).

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 the disputed domain name is confusingly similar to its EQUINOR mark, as it incorporates the main letters and abbreviation of its trademark in the New York Stock Exchange ("EQNR"). The additional geographical term "br" (separated by a hyphen) enhances the confusion indicating a connection with the Complainant's business in Brazil, and the generic Top-Level-Domain ("gTLD") ".com" is a standard registration requirement and as such is disregarded under the first element confusing similarity test.

The Complainant further contends the Respondent has no rights to or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name, is not affiliated with the Complainant or authorized to use the EQUINOR mark, and is not using the disputed domain name in connection with a bona fide offering of goods or services, or with any legitimate noncommercial or fair use. Internet users are likely to be misled regarding the content available through the disputed domain name and the associated subdomain, potentially assuming that the website is affiliated with the Complainant.

The Complainant finally contends the disputed domain name was registered and is being used in bad faith. The well-known character and long-term use of the EQUINOR mark, as well as the content of the subdomain related to the disputed domain name, indicate the Respondent registered the disputed domain name in bad faith targeting the Complainant and its trademark to generate confusion or a false affiliation for a profit. The Respondent has intentionally attempted to attract Internet traffic for commercial gain by creating a likelihood of confusion with the Complainant and its trademark. The use of privacy or proxy service, which blocks or intentionally delays disclosure of the identity of the actual registrant of a domain name, is a further indication of the Respondent's bad faith.

B. Respondent

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

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, inter alia, in paragraph 10 of the Rules.

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, namely the EQUINOR mark. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. The letters “eqnr” are not only part of the EQUINOR mark, but its official abbreviation in the New York Stock Exchange. The Panel has further corroborated, under its general powers, that any search over the Internet for the letters “eqnr” reveals the Complainant and its trademark. Accordingly, the Panel finds 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, the letters “br” separated by a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such 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.

Therefore, 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 Panel notes the Respondent’s name shares no similarities with the disputed domain name, and nothing in the file indicates the Respondent may own any rights or legitimate interests over the terms “eqnr” or “eqnr-br”.

The Panel, under its general powers, has further corroborated, through a search over the Global Brand Database, that the Respondent owns no trademark rights over the terms “eqnr”, “eqnr-br”, or any other mark.

The Panel further notes the disputed domain name is apparently inactive, as it resolves to an Internet browser error message indicating, “This site can’t be reached”. However, according to the evidence provided by the Complainant, the disputed domain name has been used in connection to a subdomain linked to a website, in Portuguese language, purportedly related to a login page and various investment projects connected to the energy industry, where the Complainant and its EQUINOR mark are reputed. This site included various images of solar panels, oil platforms, and other images related to renewable energy industries, and included information about the company identified as “EQNR” with a similar text to the one included in the Complainant’s official website. The Respondent’s website described the company “EQNR” as an international energy company committed to creating long-term value for a future of [...]; description that the Panel finds applicable to the Complainant and is similarly included in the Complainant’s official website at “www.equinor.com”.

The Panel further notes the additional term included in the disputed domain name, the letters “br” separated by a hyphen, is the common geographical abbreviation for Brazil, where the Complainant operates for more than two decades according to the Complainant’s official website at “www.equinor.com”. Therefore, the Panel finds the composition of the disputed domain name indicates targeting of the Complainant, and of its trademark, and generates confusion with the Complainant, its trademark, and its business. The disputed domain name gives the impression of being owned by or associated to the Complainant or its business in Brazil, and the Panel finds such use cannot be considered a bona fide offering of goods or services under the Policy. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, the Panel finds nothing in the record or in its assessment of this case indicates the existence of any rights or legitimate interests on the Respondent, and the composition of the disputed domain name indicates targeting of the Complainant and of its EQUINOR mark and generates confusion.

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 EQUINOR mark is internationally used and reputed, including in the country where the Respondent is purportedly located according to the Registrar verification, United States, as well as in the country alluded in the disputed domain name, Brazil.

The Panel has further corroborated that, according to the Complainant’s allegations, the term “eqnr” is the common abbreviation for the EQUINOR mark in the New York Stock Exchange, as well as in the financial sector in general, where the Complainant’s company shares are identified as “Equinor (EQNR)” or simply “EQNR”. The Panel has further corroborated that any search over the Internet for the term “eqnr” reveals the Complainant, its trademark and its business in the energy industry.

The Panel thus finds the Respondent likely knew of the Complainant and its trademark and deliberately registered the disputed domain name in bad faith.

The Panel further notes the composition of the disputed domain name confusingly similar to the EQUINOR mark, indicates, in a balance of probabilities, a targeting of the Complainant. The Panel finds the inclusion of a geographical term “br” separated by a hyphen, in reference to Brazil, where the Complainant operates, after the abbreviation “eqnr”, as well as the content of the website that was linked to a subdomain of the disputed domain name, which was related to investment projects in oil and various renewable energies, point to the Complainant and its reputed trademark with an intention on the part of the Respondent to confuse Internet users seeking or expecting the Complainant. The circumstances of this case, on a balance of probabilities, lead to this conclusion. Particularly, (i) the international reputation and long continuous use of the EQUINOR mark and the Complainant; (ii) the inclusion of the common abbreviation of this mark in the financial field “EQNR” in the disputed domain name; (iii) the lack of any apparent rights or legitimate interests on the Respondent; and (iv) the use of the disputed domain name in connection to a login page seeking sensitive password information and a website that promotes financial investments related to oil and renewable energies, a field where the Complainant operates and its EQUINOR mark is reputed. The use of the trademark’s abbreviation in the financial markets in the disputed domain name, and the use of the disputed domain name in connection to a website that purportedly offered investment services in the financial sector in connection to projects related to the energy industry, shows a targeting to the Complainant and its reputed mark.

The Panel further notes the Respondent has not come forward and has not provided any evidence that may justify any rights or legitimate interests, nor has the Respondent rebutted the Complainant’s allegations of bad faith.

Regarding the current apparent non-use of the disputed domain name. 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. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness, continuous use, and reputation of the Complainant’s trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds the Respondent registered and has used the disputed domain name targeting the Complainant and its trademark in bad faith with the intention of generating a false affiliation with the reputed mark to increase the traffic to the Respondent’s website for a commercial gain.

Therefore, 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 <eqnr-br.com> be transferred to the Complainant.

/Reyes Campello Estebaranz/

Reyes Campello Estebaranz

Sole Panelist

Date: November 25, 2024