

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Domain Admin / Privacy Protect, LLC (PrivacyProtect.org)
Case No. D2024-4450

1. The Parties

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

The Respondent is Domain Admin / Privacy Protect, LLC (PrivacyProtect.org), United States of America (“US”).

2. The Domain Name and Registrar

The disputed domain name <equinorrassa.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 30, 2024. On October 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 1, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 November 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 29, 2024.

The Center appointed Rebecca Slater as the sole panelist in this matter on December 3, 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 founded in 1972. It is an international energy company, developing oil, gas, wind, and solar energy. The Complainant has operations in over 30 countries.

The Complainant was formerly known as Statoil ASA. It changed its name to Equinor ASA in 2018.

The Complainant has numerous registrations for the EQUINOR word mark, including US Trade Mark Registration No. 6,436,681 (registered August 3, 2021), International Trade Mark Registration No. 1,444,675 (registered July 4, 2018) and European Union Trade Mark Registration No. 017900772 (registered January 18, 2019) (the "Trade Mark").

The Complainant is also the registrant of over 100 domain names containing the Trade Mark.

The Respondent is Domain Admin / Privacy Protect, LLC, located in the US. The Respondent did not submit a formal response, and consequently little information is known about the Respondent.

The Respondent registered the disputed domain name on October 16, 2024.

The disputed domain name currently resolves to a page headed "Index of /" and containing a folder titled "cgi-bin".

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 Trade Mark. The disputed domain name incorporates both the Trade Mark, an additional "r", and the Norwegian company abbreviation "ASA". The addition of the letter "r" and the term "ASA" does not prevent a finding of confusing similarity.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with or related to the Complainant in any way and has not been otherwise authorized by the Complainant to use the Trade Mark. The Respondent is not using the disputed domain name in connection with any legitimate noncommercial or fair use. The Respondent is not commonly known by the disputed domain name and has no relevant trade mark rights.
- The disputed domain name was registered and is being used in bad faith by the Respondent. The Respondent was fully aware that it had incorporated the well-recognized and distinctive Trade Mark in the disputed domain name. The Respondent has intentionally attempted to attract Internet traffic, for commercial gain, by creating a likelihood of confusion with the Trade Mark. The disputed domain name currently resolves to a page headed "Index of /" and containing a folder titled "cgi-bin". The folder is clickable and there is a possibility that Internet users' devices may be infected with malware if they click the folder. The use of a privacy or proxy service is often considered an indicator of bad faith. Additionally, the

Complainant provided evidence that the mail exchange (“MX”) records have been activated for the disputed domain name. The Complainant contends that if an email was sent from “@equinorrassa.com”, the recipient would likely assume that the email was connected to the Complainant.

B. Respondent

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

6. Discussion and Findings

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

- the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

The onus of providing these elements is on the Complainant.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Trade Mark is reproduced within the disputed domain name, with the only difference between the Trade Mark and the disputed domain name being the insertion of the letter “r” and the term “ASA” (the Norwegian company abbreviation). Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of the letter “r” to the Trade Mark is an example of typosquatting. A domain name which consists of a common, obvious, or intentional misspelling of a trade mark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

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 Complainant has not authorized the Respondent to use the Trade Mark and there is no evidence that the Respondent has ever been known by the disputed domain name.

Additionally, the disputed domain name resolves to a page headed "Index of /" and containing a folder titled "cgi-bin". The Complainant alleges that the folder is clickable and there is a possibility that Internet users' devices may be infected with malware if they click the folder. Moreover, the evidence provided by the Complainant (i.e. the configuration of MX records for the disputed domain name) indicates that the disputed domain name may be used to perpetrate a fraudulent scheme. Panels have held that the use of a domain name for illegitimate activity (here, potentially impersonation of the Complainant or deployment of malware) 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The Panel finds it highly unlikely that the disputed domain name was registered without knowledge of the Complainant and the Trade Mark, given the worldwide reputation of both the Complainant and the Trade Mark. The Respondent's goal in registering and using the disputed domain name appears to be to attract Internet users by taking unfair advantage of and creating a likelihood of confusion with the Complainant's well-known Trade Mark. This amounts to "opportunistic bad faith" in violation of the Policy.

Additionally, panels have held that the use of a domain name for illegitimate activity (here, potentially fraudulent impersonation of the Complainant or deployment of malware) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In the circumstances, the use of a privacy service further supports an inference of bad faith. [WIPO Overview 3.0](#), section 3.6.

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 <equinorrasa.com> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: December 12, 2024