

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Sophie and equinor equinor
Case No. DCC2024-0028

1. The Parties

The Complainant is Equinor ASA, Norway, represented by Rouse AB, Sweden.

The Respondents are Sophie, United States of America (“United States”); and equinor equinor, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <eqniuorm.cc> is registered with Alibaba.com Singapore E-Commerce Private Limited.

The disputed domain names <equinorn.cc> and <equinoru.cc> are registered with Gname.com Pte. Ltd. (collectively, the “Registrars”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 4, 2024. On October 7, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names <eqniuorm.cc> and <equinorn.cc>. On October 8, 2024, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names <eqniuorm.cc> and <equinorn.cc> which differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 9, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amendment to the Complaint in English on October 11, 2024.

On October 8, 2024, the Complainant requested the addition of the disputed domain name <equinoru.cc> to the current proceeding. On October 14, 2024, the Center transmitted by email to the Registrar Gname.com Pte. Ltd. a request for registrar verification in connection with the disputed domain name <equinoru.cc>.

On October 14, 2024, the Registrar Gname.com Pte. Ltd. transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On October 9, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name <equinorn.cc> is Chinese. On October 11, 2024, the Complainant requested English to be the language of the proceeding. The Respondents did not submit any comment on the Complainant's submission.

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.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondents in English and Chinese of the Complaint, and the proceeding commenced on October 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on November 5, 2024.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on November 13, 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

A. Complainant

The Complainant is an international energy company incorporated in Norway and a leading global provider of energy products and services under the trade mark EQUINOR (the "Trade Mark").

The Complainant is the owner of numerous registrations for the Trade Mark, including International registration No. 1444675 with a registration date of July 4, 2018.

B. Respondents

The Respondents are at least nominally resident in the United States and/or the Hong Kong, China.

C. Disputed Domain Name

The disputed domain names <eqniuorm.cc>, <equinorn.cc>, and <equinoru.cc> were registered on September 27, 2024, September 25, 2024, and October 5, 2024, respectively.

D. Use of the Disputed Domain Names

The disputed domain names <eqniuorm.cc> and <equinoru.cc> were previously resolved to the same English language website, impersonating the Complainant (including featuring the Complainant's logo trade mark), featuring cryptocurrency related links and content, and inviting visitors to the websites to invest in "Equinor's latest investment project".

As at the date of this Decision, the disputed domain names <eqniuorm.cc> and <equinoru.cc> are no longer resolved to any active website.

The disputed domain name <equinorn.cc> has not been used in respect of any active website.

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.

B. Respondents

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

6. Discussion and Findings

Consolidation of Respondents

Pursuant to paragraph 3(c) of the Rules "[t]he complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder".

In order to satisfy this requirement, the Complainant must demonstrate that the named Respondents are, in fact, the same person or entity and/or that the disputed domain names are under common control.

The Complainant contends that there should be consolidation of the Respondents, for the following reasons:

- (i) the disputed domain names were registered close in time; and
- (iii) two of the disputed domain names previously resolved to the same website.

For the above reasons put forward by the Complainant, the Panel concludes that there are sufficient grounds to support the conclusion that the disputed domain names are subject to common control and that consolidation would be fair and equitable to all Parties. The Panel notes also that none of the Respondents has objected to the Complainant's consolidation request.

The Respondents will accordingly be referred to as the "Respondent" hereinafter.

Language of the Proceeding

The language of the Registration Agreement for the disputed domain names <equinorn.cc> and <equinoru.cc> is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Respondent's websites are in the English language.

The Respondent did not comment on the Complainant's request.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 names. [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 mark is reproduced within the disputed domain names <equinorn.cc> and <equinoru.cc>. Accordingly, the disputed domain names <equinorn.cc> and <equinoru.cc> are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the mark is recognizable within the disputed domain name <eqniuorm.cc>, which consists of a common, obvious, or intentional misspelling of the mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 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 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.

Panels have held that the use of a domain name for illegal activity (here, impersonation, and seeking to elicit "investments") or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

While the disputed domain name <equinorn.cc> has not been used in respect of any active website, it is clear from the composition of the disputed domain name that the Respondent seeks to mislead Internet users expecting to find the Complainant through the inherently misleading disputed domain name. Such composition cannot constitute fair use since it effectively impersonates the Complainant.

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.

Panels have found that the non-use of a domain name 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 finds that in the circumstances of this case the passive holding of the disputed domain name <equinorn.cc> does not prevent a finding of bad faith under the Policy.

Panels have held that the use of a domain name for illegal activity (here, impersonation, and seeking to elicit “investments”) or other types of fraud, 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 names <equiuorm.cc> and <equinoru.cc> 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 <equiuorm.cc>, <equinorn.cc>, and <equinoru.cc> be transferred to the Complainant.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Date: November 27, 2024