

ADMINISTRATIVE PANEL DECISION

QatarEnergy v. hikmat Joe, Mike James
Case No. D2022-2661

1. The Parties

The Complainant is QatarEnergy, Qatar, represented by Hogan Lovells (Paris) LLP, France.

The Respondents are hikmat Joe and Mike James (collectively referred as the “Respondent”), United Arab Emirates.

2. The Domain Names and Registrar

The disputed domain names <bids-qatarenergy.com> and <qatarenergys.com> are registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 20, 2022. On July 21, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 22, 2022, 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 July 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 22, 2022.

The Center appointed Taras Kyslyy as the sole panelist in this matter on August 26, 2022. 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 Qatari state owned corporation founded in 1974 which operates all oil and gas activities in the State of Qatar. The Complainant has incorporated numerous subsidiaries, joint ventures, associates and joint operations in various countries as of December 31, 2020, such as the State of Qatar, United States of America, Canada, Bahamas, Brazil, Mexico, Argentina, United Kingdom, Netherlands, Italy, Greece, Malta, Cyprus, Morocco, Mozambique, Libya, Egypt, Namibia, Côte d'Ivoire, Liberia, Congo, Oman, South Africa, Türkiye, Kingdom of Saudi Arabia, United Arab Emirates, Bahrain, Kuwait, India, Singapore and China. The Complainant has made substantial investments to develop a strong presence online by being active on various social media forums. For instance, the Complainant's official page on Facebook has over 474 thousand "likes". In addition, it has 55.1 thousand followers on Twitter.

On October 11, 2021, the Complainant, formerly known as "Qatar Petroleum" changed its name to "QatarEnergy".

The Complainant owns a number of trademark registrations for its QATARENERGY sign and design trademark, including for instance European Union trademark registration No. 018573702 for



registered on April 19, 2022.

The Complainant is the owner of domain names consisting of the name "QatarEnergy", for instance, <qatarenergy.qa> and <qatarenergy.com.qa>.

The disputed domain names were registered on May 3, 2022, and redirected to the Complainant's official website. The registrants' details for the disputed domain names were reported to have been used in relation to fake job offers. The Complainant's sent a suspension request to the Registrar and the Registrar agreed to suspend the disputed domain names on June 25, 2022. At the time of this decision the disputed domain names do not resolve to any active websites.

5. Parties' Contentions

A. Complainant

The disputed domain names are identical or confusingly similar to the Complainant's trademark. The textual element "qatarenergy" is a principal feature of the Complainant's trademark. The disputed domain names incorporate the Complainant's trademark in its entirety with the addition of non-distinctive elements. The textual element of the Complainant's trademark is readily recognizable in the disputed domain names, rendering the disputed domain names confusingly similar to the Complainant's trademark. The suffix, such as ".com" gTLD, is irrelevant when assessing whether a domain name is identical or confusingly similar to a trademark as it is a functional element.

The Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not using the disputed domain names in connection with any *bona fide* offering of goods or services. The disputed domain names used to redirect to the Complainant's website, and such use does not amount to a *bona fide* offering of goods or services. The Complainant's search has revealed multiple reports indicating that the underlying registrant details displayed in the Whois records of the disputed domain names were being used as part of fraudulent advance-fee employment phishing schemes, targeting prospective employees of various companies. The Respondent was or currently is the registrant of other domain names targeting the third parties which used to or still are redirecting to the official websites of the targeted third

parties. Given a clear pattern of malicious behavior, it is therefore highly likely that the Respondent used or intended to use the disputed domain names to mislead Internet users in a similar way. Such use of the disputed domain names could by no means be considered as a *bona fide* offering of goods or services under the Policy given that the use for illegal activity. The Respondent is not commonly known by the disputed domain names. The Respondent does not appear to have acquired any trademark rights including the term “qatarenergy” that would confer any rights or legitimate interests on the Respondent. The potential use of the disputed domain names in an effort to impersonate the Complainant in the furtherance of a fraudulent advance-fee employment phishing scheme or similar could not give rise to any reasonable claim of being commonly known by the disputed domain names. The disputed domain names used to redirect to the Complainant’s website, and such use cannot constitute a legitimate noncommercial or fair use. Given the renown of the Complainant’s trademark, and the nature of the disputed domain names itself, it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain names by the Respondent (or a third party) that would not be illegitimate, as it would inevitably create a false association with the Complainant.

The disputed domain names were registered and are being used in bad faith. The Complainant, has acquired considerable renown and goodwill worldwide in connection with oil and gas activities. The Complainant’s recent rebranding to “QatarEnergy” in October 2021 was widely reported by the international press. The Respondent’s intent to target the Complainant can be readily inferred from the redirection of the disputed domain names to the Complainant’s website. The Respondent registered the disputed domain names in full knowledge of the Complainant’s rights. The Respondent registered (or is associated with) at least ten domain names targeting the rights of third parties, thus the Respondent has engaged in a bad faith pattern of abusive domain name registration. The use of the disputed domain names to redirect to the Complainant’s website constitutes bad faith. The previous pointing of the disputed domain names indicates the Respondent’s malicious activity, which is further confirmed by the fact that the Respondent’s details were previously used in relation to fake job offers. It is therefore highly likely that the disputed domain names already are or will be used to impersonate the Complainant, in order to commit an advance-fee employment phishing scheme or similar fraudulent activities.

B. Respondent

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

6. Discussion and Findings

A. Preliminary Issues – Consolidation

The Complainant requested the Panel to hear the present dispute brought against two respondents as a consolidated Complaint.

Paragraph 10(e) of the Rules states that a “[p]anel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules”. Paragraph 10(c) of the Rules provides, in relevant part, that “the [p]anel shall ensure that the administrative proceeding takes place with due expedition”.

Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) summarizes the consensus view of UDRP panels on the consolidation of multiple respondents, in part, as follows: Where a complaint is filed against multiple respondents, panels look at whether (i) the disputed domain names were registered on the same day (May 3, 2022) using the same Registrar (OwnRegistrar, Inc.), (ii) the underlying registrant details in the WhoIs records of both disputed domain names indicate the same city and state/province (Abu Dhabi), post code (00000) and country (United Arab Emirates), (iii) the email addresses used to register both disputed domain names are composed in a similar way as they contain the same terms “hr.” (abbreviation for “human resources”) and “group” at “gmail.com”, (iv) both disputed domain names forwarded to the Complainant’s official website, (v) there is a

reason to believe that both disputed domain names are or will be used in the furtherance of a fraudulent advance-fee employment phishing scheme impersonating the Complainant, (vi) both disputed domain names are hosted on the same IP address, (viii) both disputed domain names include the Complainant's trademark, (ix) both disputed domain names were registered under the ".com" gTLD. Also the registrants of the disputed domain names appear to be connected in such a manner that to require the Complainant to file separate complaints would cause the Complainant to incur considerable additional time and expenses, running contrary to the aim of the Policy to provide a time- and cost-effective means for resolving domain name disputes.

The Panel accepts these arguments in favor of consolidation and grants the request to consolidate the Respondents into one proceeding. Hereafter, the Panel will refer to the Respondents as "the Respondent".

B. Identical or Confusingly Similar

According to section 1.10 of the [WIPO Overview 3.0](#), panel assessment of identity or confusing similarity involves comparing the (alpha-numeric) domain name and the textual components of the relevant mark. To the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element. Thus, the Panel disregards design element of the Complainant's trademark for the purposes of the confusing similarity check.

According to section 1.11.1 of the [WIPO Overview 3.0](#), the applicable gTLD in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Thus, the Panel disregards gTLD ".com" for the purposes of the confusing similarity test.

According to section 1.7 of the [WIPO Overview 3.0](#), in cases where a domain name incorporates the entirety of a trademark the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing. The Panel finds that the disputed domain names incorporate the Complainant's trademark in its entirety.

According to section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The Panel finds that the addition of word "bids" and hyphen to the disputed domain name <bids-qatarenergy.com>, and the addition of letter "s" to the disputed domain name <qatarenergys.com> do not prevent finding their confusing similarity with the Complainant's trademark.

Considering the above the Panel finds the disputed domain names are confusingly similar to the Complainant's trademark, therefore, the Complainant has established its case under paragraph 4(a)(i) of the Policy.

C. Rights or Legitimate Interests

The Complainant has established *prima facie* that the Respondent has no rights or legitimate interests in the disputed domain names.

Furthermore, the Respondent provided no evidence that it holds rights or legitimate interests in the disputed domain names.

The available evidence confirms that the Respondent is not commonly known by the disputed domain names, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones, TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The available evidence confirms that the Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent, thus no actual or contemplated *bona fide* or legitimate use of the disputed domain names could be reasonably claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)).

The initial use of the disputed domain names to redirect to the Complainant's official website does not constitute a legitimate noncommercial or fair use (see, e.g. *Allen & Overy LLP v. Can Kulah*, WIPO Case No. [D2019-1147](#)).

Noting the risk of implied affiliation between the disputed domain names and the confusingly similar widely known trademark of the Complainant, the Panel finds that there is no plausible fair use to which the disputed domain names could be put that would not have the effect of being somehow connected to the Complainant (see, e.g., *Instagram, LLC v. Super Privacy Service LTD c/o Dynadot / Zayed*, WIPO Case No. [D2019-2897](#)).

Considering the above, the Panel finds the Respondent does not have rights or legitimate interests in the disputed domain name. Therefore, the Complainant has established its case under paragraph 4(a)(ii) of the Policy.

D. Registered and Used in Bad Faith

According to section 3.2.2 of the [WIPO Overview 3.0](#), further factors including the nature of the domain name, the chosen Top-Level Domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark. In the present case, the Respondent shortly after registration of the disputed domain names incorporating the Complainant's trademark put in place its redirection to the Complainant's official website. The Panel finds that the nature of the disputed domain names and its use confirms the Respondent knew or should have known of the Complainant's prior trademark rights, which confirms the bad faith.

According to section 3.1.4 of the [WIPO Overview 3.0](#) the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, (iv) redirecting the domain name to a different respondent-owned website, even where such website contains a disclaimer, (v) redirecting the domain name to the complainant's (or a competitor's) website, and (vi) absence of any conceivable good faith use. The Panel finds that at least criteria (ii), (iii), (v) and (vi) apply in the present case confirming use of the disputed domain names in bad faith.

Although at the time of this decision the disputed domain names resolve to inactive webpages, its previous bad faith use and lack of explanation of possible good faith use from the Respondent makes any good faith use of the disputed domain names implausible. Thus, the current passive holding of the disputed domain names does not prevent a finding of bad faith (see, e.g., *Abbott Diabetes Care Inc. v. Privacy Protection, Hosting Ukraine LLC / Виталий Броцман (Vitalii Brocman)*, WIPO Case No. [DPW2017-0003](#)).

Considering the above the Panel finds the disputed domain names were registered and are being used in bad faith. Therefore, the Complainant has established its case under paragraph 4(a)(iii) 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, <bids-qatarenergy.com> and <qatarenergys.com> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: September 9, 2022