

ADMINISTRATIVE PANEL DECISION

QatarEnergy v. Expo 2020, Expodic
Case No. D2022-3602

1. The Parties

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

The Respondent is Expo 2020, Expodic, United Arab Emirates.

2. The Domain Name and Registrar

The disputed domain names <tender-qatarenergy.com>, <tenders-qatarenergy.com>, <tendes-qatarenergy.com> and <tend-qatarenergy.com> (the “Domain Names”) are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 28, 2022. On September 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On September 29, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names, which differed from the named Respondent (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 30, 2022 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 amended Complaint on October 10, 2022.

The Center verified that the Complaint together with the amended 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, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 31, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 1, 2022.

The Center appointed Jeremy Speres as the sole panelist in this matter on November 9, 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. Having operated as “Qatar Petroleum” for over 20 years, the Complainant changed its name to “QatarEnergy” on October 11, 2021. The Complainant’s rebranding was widely reported by the press. The Complainant’s QATARENERGY mark has been accepted as being well-known in a prior UDRP case: *QatarEnergy v. Privacy Service Provided by Withheld for Privacy ehf / Expo 2020, Expodic*, WIPO Case No. [D2022-3171](#).

The Complainant owns trade mark registrations for QATARENERGY in numerous jurisdictions, including European Union Trade Mark registration no. 018573702 QATARENERGY and device registered on April 19, 2022.

The Domain Names were registered on the dates set out in the table below and currently do not resolve to any websites:

Domain Name	Registration Date
tend-qatarenergy.com	August 15, 2022
tender-qatarenergy.com	July 16, 2022
tenders-qatarenergy.com	July 26, 2022
tendes-qatarenergy.com	August 14, 2022

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Names are confusingly similar to its QATARENERGY mark, that the Respondent has no rights or legitimate interests in the Domain Names, and the Domain Names were registered and used in bad faith given that the Respondent has been involved in another domain name dispute involving impersonation of the Complainant for a phishing scheme targeting potential tenderers, and given the composition of the Domain Names featuring the Complainant’s well-known mark.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant’s QATARENERGY mark is registered, albeit in device form. The figurative/stylistic elements of the Complainant’s registrations do not overtake the textual elements in prominence, thus for purposes of assessing confusing similarity, the figurative/stylistic elements can be disregarded (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) at section 1.10). The evidence also establishes that the Complainant’s QATARENERGY mark is well-known.

The Complainant's mark is wholly contained and recognisable within the Domain Names. Where the trade mark is recognisable within the disputed domain name, the addition of other terms (including descriptive terms) does not prevent a finding of confusing similarity ([WIPO Overview 3.0](#) at section 1.8). The Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant's un rebutted evidence establishes that its QATARENERGY mark was registered and well-known prior to registration of the Domain Names. The Domain Names are confusingly similar to the Complainant's mark and the Complainant has certified that the Domain Names are unauthorised by it.

The Respondent did not respond to the Complaint in circumstances where the Respondent has been accused of fraud. One would expect a respondent accused of serious, criminal conduct to defend themselves. The fact that they did not is telling. In the circumstances, and given what is said in relation to bad faith below, the likelihood is that the Respondent intended to use the Domain Names for purposes of impersonating the Complainant, which cannot confer rights or legitimate interests ([WIPO Overview 3.0](#) at section 2.13).

The Complainant has satisfied paragraph 4(a)(ii) of the Policy by virtue of having made out an un rebutted *prima facie* case ([WIPO Overview 3.0](#) at section 2.1).

C. Registered and Used in Bad Faith

The Complainant's evidence establishes that the Respondent's telephone number, as recorded in the WhoIs records for the Domain Names, has been flagged as used for an employment scam on a scam reporting platform. The Respondent has also been found to have impersonated the Complainant for purposes of tender fraud in a prior UDRP case: *QatarEnergy v. Privacy Service Provided by Withheld for Privacy ehf / Expo 2020, Expodic*, WIPO Case No. [D2022-3171](#). The domain names in that case were both composed in a highly similar way to the Domain Names: <vendor-qatarenergy.com> and <contract-qatarenergy.com>. The composition of the Domain Names, including "tender" and misspellings of it together with the Complainant's well-known mark, strongly suggests that the Respondent, again, intended to impersonate the Complainant for tender fraud.

The fact that there is no evidence that the Domain Names have been used does not prevent a finding of bad faith, under the doctrine of passive holding; all the factors that panels typically consider under that doctrine favour the Complainant ([WIPO Overview 3.0](#) at section 3.3).

The Respondent supplied incomplete details in the WhoIs records for the Domain Names - the street address is missing. In the circumstances of this case, this indicates an attempt by the Respondent to evade pursuit (*Kabushiki Kaisha Raibudoa v. Kubota, A*, WIPO Case No. [D2001-0817](#)). The Respondent also used a privacy proxy service and it would be appropriate to draw adverse inferences in this case ([WIPO Overview 3.0](#) at section 3.6).

The Complainant has satisfied 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 Domain Names, <tender-qatarenergy.com>, <tenders-qatarenergy.com>, <tendes-qatarenergy.com>, and <tend-qatarenergy.com>, be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: November 18, 2022