

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Equinor Equinor
Case No. D2023-2119

1. The Parties

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

The Respondent is Equinor Equinor, Netherlands.

2. The Domain Name and Registrar

The disputed domain name <equinior.com> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2023. On May 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 16, 2023, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 19, 2023, 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 May 19, 2023.

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 May 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 11, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 12, 2023.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on June 16, 2023. 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 operates in the field of energy in more than 30 countries worldwide. It changed its name from Statoil to Equinor in 2018. The Complainant owns many trademark registrations for EQUINOR such as:

- European Union registration No. 017900772 registered on January 18, 2019.
- Norwegian registration No. 298813 registered on March 14, 2018.

The disputed domain name was registered by on May 10, 2023 and resolves to an inactive webpage.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark. The disputed domain name incorporates the Complainant's trademark in its entirety. The addition of the letter "i" does not eliminate the fact that the Complainant's trademark remains recognizable. This is a case of typosquatting. The generic Top-Level Domain ("gTLD") ".com" is not relevant in the assessment of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant did not authorize the Respondent to use its trademark in the disputed domain name nor is the Complainant affiliated with the Respondent. The Respondent is not using the disputed domain name in connection with a legitimate noncommercial or fair use. The Respondent is not commonly known by the disputed domain name. The Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent knew of the Complainant's well-recognized trademark. The disputed domain name was registered five years after the change of name took place in 2018. The disputed domain name resolves to an inactive website. Passive holding does not prevent a finding of bad faith in certain circumstances. Prior UDRP panels have found the Complainant's trademark to be well known. The MX-records has been activated, which means potentially phishing emails can be sent. The Respondent's contact information are not publicly available. The use of a privacy shield is often an indication of bad faith. The Respondent intentionally attempted to attract Internet traffic for commercial gain by creating a likelihood of confusion with the Complainant's trademark.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns trademark registrations for EQUINOR. The Panel is satisfied that the Complainant has established its ownership of the trademark EQUINOR.

The disputed domain name incorporates the Complainant's trademark EQUINOR with a typo by adding the letter "i". This is a typical case of typosquatting, which is designed to confuse users (*Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#)). The gTLD ".com" can be ignored when assessing confusing similarity as it is viewed as a standard registration requirement.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant asserts that the Respondent is not authorized by the Complainant to use its trademark. The Complainant further asserts that the Respondent is not using the disputed domain name for a *bona fide* offering of goods or services, and the Respondent is not commonly known by the disputed domain name. Therefore, the Complainant has established a *prima facie* case, and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

The Respondent has not provided any evidence to show that it has any rights or legitimate interests in the disputed domain name. Given that the disputed domain name is a classic example of typosquatting, whereby the Respondent has intentionally sought to mislead Internet users unaware of the one-letter difference between the disputed domain name and the Complainant's trademark, the Respondent cannot be said to have rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Respondent must have been aware of the Complainant's trademark as it is well known, and the disputed domain name was registered five years after the use and registration of the Complainant's trademark. The disputed domain name resolves to a parked website. Noting the Respondent's failure to provide any good-faith explanation for his registration and use of the disputed domain name, provision of a privacy service to mask the publicly-available Whois details, the likely knowledge by the Respondent of the Complainant's trademark, and the absence of a plausible use of the disputed domain name that would be legitimate (*Johnson & Johnson v. Daniel Wistbacka*, WIPO Case No. [D2017-0709](#)), the Panel finds that the use of the disputed domain name in these circumstances does not prevent the Panel's bad faith finding.

Lastly, typosquatting may be an indication of bad faith (*ESPN, Inc v. XC2*, WIPO Case No. [D2005-0444](#)). In the present case, the typosquatting indicates that the Respondent was aware of the Complainant's trademark and has added the letter "i" in order to confuse Internet users and attract Internet traffic.

Accordingly, the Panel finds that 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 disputed domain name <equinior.com> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: June 20, 2023