

ADMINISTRATIVE PANEL DECISION

Chevron Corporation, Chevron Intellectual Property LLC v.
David Czinczenheim
Case No. D2023-3111

1. The Parties

The Complainants are Chevron Corporation, and Chevron Intellectual Property LLC, United States of America (“United States”), represented by Demys Limited, United Kingdom.

The Respondent is David Czinczenheim, France.

2. The Domain Name and Registrar

The disputed domain name <careers-chevron.com> is registered with NamePal.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 19, 2023. On July 20, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 25, 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 (Statutory Masking Enabled) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 28, 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 July 28, 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 August 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 1, 2023.

The Center appointed Kateryna Oliinyk as the sole panelist in this matter on September 8, 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 First Complainant is a multinational energy and technology company headquartered in California, United States. It is primarily engaged in the oil and gas industry, including the production and distribution of chemicals, the development of alternative energy sources and renewable fuels. It was founded in 1879, is currently active in over 180 countries and operates brands including Chevron, Texaco, and Caltex.

In 2022, the First Complainant was ranked as the 26th-largest public company in the world in Forbes' Global 2000 list, an annual ranking of the top 2,000 public companies in the world based on sales, profit, assets and market value.

The Second Complainant is the intellectual property holding company of the Complainants' group and is the owner of among others, the following trademark registrations:

- United States trademark registration No. 364683 for CHEVRON registered on February 14, 1939;
- United Kingdom trademark registration No. UK00000638572 for CHEVRON registered on July 12, 1945;
- European Union trademark registration No. 000095745 for CHEVRON registered on March 8, 1999.

The Complainants employ over 37,000 people in 180 countries and received several career awards.

The Complainants operate an official website "www.chevron.com". The Complainants operate a career-specific website at the sub domain name <careers.chevron.com>, offering career opportunities in 180 countries around the world.

The disputed domain name was created on October 20, 2022, and at the time of submission of the Complaint, the disputed domain name resolved to a holding webpage operated by the third-party company "dan.com", offering the sale of the domain name with an asking price of EUR 599. According to the evidence submitted by the Complainant, the disputed domain name has previously been offered for sale on third-party auction websites such as "www.dan.com" and "www.sedo.com" with various prices ranging from EUR 599 to EUR 7999. A third-party cybersecurity service (namely, Trend Micro) classified the website hosted at the disputed domain name as "malicious" and blocked its users from accessing the Respondent's website.

5. Parties' Contentions

A. Complainant

Identical or Confusingly Similar

The Complainants contend that the disputed domain name and the CHEVRON trademark are confusingly similar.

According to the Complainants' contentions, the disputed domain name fully incorporates the Complainant's CHEVRON trademark. The disputed domain name is confusingly similar to its mark in that it only differs by the addition of the dictionary term "careers".

The Complainants' CHEVRON trademark is the dominant feature in the disputed domain name and remains recognizable in the disputed domain name. The fact that the disputed domain name contains the dictionary term "careers" before the Complainants' trademark does not prevent a confusing similarity. When combined with the Complainants' CHEVRON trademark, the dictionary term "careers", does not dispel any possibility of confusion but instead does the opposite and increases the potential for confusion among Internet users.

The Complainant submits that the applicable generic Top-Level Domain ("gTLD") in the disputed domain name should be viewed as a standard registration requirement and as such should be disregarded under the first element confusing similarity test.

No rights or legitimate Interests

The Complainants contend that they have found no evidence that the Respondent has been commonly known as Chevron or Careers Chevron prior to or after the registration of the disputed domain name.

The Complainants further submit that the Respondent is not a licensee of the Complainants and has not received any permission or consent from either Complainant, collectively or singly, to use their CHEVRON trademark.

The Complainants have found no evidence that the Respondent owns any trademarks incorporating the terms "chevron" or "careers chevron". Equally, the Complainants have found no evidence that the Respondent has ever traded legitimately under the names "chevron" or "careers chevron".

The Complainants contend that given the fame of their CHEVRON trademark and the confusing similarity of the disputed domain name to said trademark, there is no conceivable use to which the disputed domain name could be put now, or in the future, that would confer any legitimate interest upon the Respondent.

The Complainants further contend that where a domain name incorporates a well-known mark, the offering of a domain name for sale cannot, in and of itself, be a fair use or confer a legitimate interest on the registrant of said domain name.

The Complainants aver that the use of the disputed domain name for potential criminal activity could never give the Respondent a legitimate interest in the disputed domain name.

Registered and used in bad faith

The Complainants submit that the fact that the disputed domain name is listed for sale is strongly indicative that the Respondent had a bad faith intent when it registered the disputed domain name.

The Complainants assert that the disputed domain name incorporates the Complainants' well-known and well-established CHEVRON trademark and the Complainants cannot conceive of any good faith use or intent on the part of the Respondent in listing the disputed domain name for sale.

The Complainants contend that attempting to deceive Internet users cannot be a *bona fide* use and avers that any such use must be abusive to or take unfair advantage of the Complainant's rights.

B. Respondent

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

6. Discussion and Findings

A. Procedural Issue - Consolidation of Complainants

Affiliated companies have standing to file complaint under the Policy, as prescribed in section 1.4.1. of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

According to section 4.11.1. of the [WIPO Overview 3.0](#), in assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.

The Complaint was filed by two Complainants. Both Complainants belong to the same group of companies. The First Complainant is a multinational energy and technology company, and the Second Complainant is the Complainants’ group’s intellectual property holding company and holds the registered rights on which is based the Complaint. This Panel finds that the First and the Second Complainants jointly comprising the Complainant have a specific common grievance, and it is equitable and procedurally efficient to allow consolidation in circumstances of this case.

6.1. Substantive Issues

The Panel now proceeds to consider this matter on the merits in light of the Complaint, the lack of the Response, the Policy, the Rules, the Supplemental Rules, and other applicable legal authority pursuant to paragraph 15(a) of the Rules.

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Considering that the Respondent did not reply to the Complainant’s contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its Decision on the statements and documents submitted and in accordance with the Policy and the Rules. Under paragraph 14(b) of the Rules, where a Party does not comply with any provision of the Rules, the Panel “shall draw such inferences therefrom as it considers appropriate”.

Paragraph 4(a) of the Policy directs that the Complainants must prove each of the following: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Under the first element, the Complainants must establish that the disputed domain name is identical, or confusingly similar to, the Complainants’ trademark rights.

There are two parts to this inquiry: the Complainants must demonstrate that they have rights in a trademark and, if so, the disputed domain name must be shown to be identical or confusingly similar to the trademark.

According to section 1.1.1 of the [WIPO Overview 3.0](#), the term “trademark or service mark” as used in UDRP paragraph 4(a)(i) encompasses both registered and unregistered (sometimes referred to as common law) marks.

Ownership of a nationally or regionally registered trademark serves as a *prima facie* evidence that the Complainants have trademark rights for the purposes of standing to file this Complaint. See section 1.2 of the [WIPO Overview 3.0](#). The Complainants submitted evidence that the CHEVRON trademark enjoys protection under national and regional trademark registrations. Thus, the Panel finds that the Complainants' rights in the CHEVRON trademark have been established pursuant to the first element of the Policy.

The disputed domain name consists of the Complainants' CHEVRON trademark preceding by the dictionary term "careers" divided from the CHEVRON trademark by a hyphen, and followed by the gTLD ".com".

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 nature of such additional term may however bear on assessment of the second and third elements.

Under section 1.7 of the [WIPO Overview 3.0](#), while each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.

Finally, for the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the gTLD, see section 1.11.1 of the [WIPO Overview 3.0](#).

It is the view of the Panel that it is readily apparent that the Complainant's CHEVRON trademark is recognizable in the disputed domain name.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the CHEVRON trademark in which the Complainants have rights.

The first element of paragraph 4(a) of the Policy is therefore satisfied.

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 possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a *prima facie* showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

Based on the Complainants' contentions, the Respondent is not a licensee of, or otherwise affiliated with, the Complainant, and has not been authorized by the Complainants to use their CHEVRON trademark.

Based on the case records, the Panel finds that there is no evidence that the Respondent has been commonly known by the disputed domain name, and there is no similarity or association between the name of the Respondent and the disputed domain name, which could demonstrate rights or legitimate interests of the Respondent. See, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, WIPO Case No. [D2008-0642](#).

It has also been shown that the Respondent is not making any direct use of the disputed domain name, noting the disputed domain name has never resolved to an active website, but to one where the disputed domain name was offered for sale for EUR EUR 599.

The Respondent is not making a noncommercial or fair use of the disputed domain name, nor a *bona fide* offering of goods or services.

According to the Complainants' contentions, the website associated with the disputed domain name has been reported as malicious by a third-party cybersecurity company, which indicates that it is more likely than not that the disputed domain name was previously used for malicious purposes. The use of a domain name for illegal activity (*e.g.*, fraud, impersonation) can never confer rights or legitimate interests upon a respondent, see section 2.13.1. of the [WIPO Overview 3.0](#).

In the Panel's view, the use of the disputed domain name by the Respondent does not constitute either a *bona fide* use or a legitimate noncommercial or fair use of the disputed domain name.

The Panel finds that the Complainants have established *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name.

By not submitting a Response, the Respondent has failed to invoke any circumstances which could demonstrate any rights or legitimate interests in the disputed domain name. Under such circumstances the Panel draws adverse inferences from this failure, where appropriate, in accordance with the Rules, paragraph 14(b).

The second element of paragraph 4(a) of the Policy is therefore satisfied.

C. Registered and Used in Bad Faith

The Complainants' CHEVRON trademark is recognized as being well known in the industry. The disputed domain name was registered long after the CHEVRON trademark had been registered and used. As it has been established by the Panel, the disputed domain name is confusingly similar to its mark in that it only differs by the addition of the dictionary term "careers". In this Panel's view, the Respondent was likely aware of the Complainants' rights in the CHEVRON trademark at the time the disputed domain name was registered.

According to section 3.1.4 of the [WIPO Overview 3.0](#), the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Given the reputation of the CHEVRON trademark, registration in bad faith can be inferred. See, *e.g.*, *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#).

According to section 3.1.1. of the [WIPO Overview 3.0](#), panels have found that the practice as such of registering a domain name for subsequent resale (including for a profit) would not by itself support a claim that the respondent registered the domain name in bad faith with the primary purpose of selling it to a trademark owner (or its competitor).

Circumstances indicating that a domain name was registered for the bad-faith purpose of selling it to a trademark owner can be highly fact-specific; the nature of the domain name (*e.g.*, whether a typo of a famous mark, a domain name wholly incorporating the relevant mark plus a geographic term or one related to the complainant's area of commercial activity, or a pure dictionary term) and the distinctiveness of trademark at issue, among other factors, are relevant to this inquiry.

The following circumstances in this indicate that the Respondent's intent in registering the disputed domain name was in fact to profit in some fashion from or otherwise exploit the Complainants' CHEVRON trademark:

- (i) the Respondent was likely aware of the Complainants' rights in the CHEVRON trademark at the time the disputed domain name was registered;
- (ii) the Complainants' trademark is highly distinctive and benefits from the well-known status;

- (iii) the Complainants' trademark is fully incorporated into the disputed domain name;
- (iv) the Complainants operate a career-specific website at the sub domain name <careers.chevron.com>, offering career opportunities in 180 countries around the world, the "careers" element in the disputed domain name just intensifies the risk of confusion and diverting Internet users to the disputed domain name;
- (v) the Respondent has a history of registering domain names incorporating third-parties' trademarks and has been cited as respondent in various cases, all of which resulted in transfer of disputed domain names;
- (vi) the fact that a third-party cybersecurity service (namely, Trend Micro) classified the website hosted at the disputed domain name as "malicious" and blocked its users from accessing the Respondent's website.

In the totality of the circumstances, the Panel finds the Respondent has registered and is using the disputed domain name in bad faith.

Finally, the Respondent has failed to submit a response or to provide any evidence of actual or contemplated good faith use of the disputed domain name.

Here, the Panel considers also the concealment of the identity of the holder of the disputed domain name through use of a privacy shield to be a further indication of bad faith (see, e.g., *BHP Billiton Innovation Pty Ltd v. Domains By Proxy LLC / Douglass Johnson*, WIPO Case No. [D2016-0364](#)).

In light of the aforesaid and applying the above-referenced factors, the Panel establishes that the Respondent registered and is using the disputed domain name in bad faith.

The third element of paragraph 4(a) of the Policy is therefore satisfied.

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 <careers-chevron.com> be transferred to the Second Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: October 5, 2023