

## **ADMINISTRATIVE PANEL DECISION**

Equinor ASA v. Domain Administrator, See PrivacyGuardian.org / Eldon Adams, EldonLeaf Inc  
Case No. D2022-0279

### **1. The Parties**

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

Respondent is Domain Administrator, See PrivacyGuardian.org, United States of America (“United States”) / Eldon Adams, EldonLeaf Inc, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <equinor.com> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 27, 2022. On January 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 27, 2022, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on February 4, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on February 7, 2022.

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 (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 18, 2022.

The Center appointed Kraus, Daniel as the sole panelist in this matter on April 6, 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**

Complainant is a broad international energy company, based in Norway, founded as The Norwegian State Oil Company (Statoil) in 1972. Complainant has operations in more than 30 countries around the world developing oil, gas, wind and solar energy. In 2018, Complainant changed its name to EQUINOR and the name change was widely publicized in the international media. As reported in the media, Complainant changed its name to EQUINOR to reflect its transition from being a pure oil and gas company to becoming a broad energy company, with focus on developing wind and solar power in addition to oil and gas.

In conjunction with its official name change, Complainant obtained numerous trademark registrations worldwide for the mark EQUINOR. For example European Union Trade Mark Registration number 017900772, registered on January 18, 2019, for the mark EQUINOR. Complainant submitted evidence that its worldwide trademark portfolio for the mark EQUINOR is extensive.

In addition, Complainant owns more than 100 domain name registrations containing the mark EQUINOR, including <equinor.com>.

The disputed domain name was registered on January 24, 2022, and appears to have been registered for the purpose of engaging in a fraudulent “phishing” scam.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant contends that the disputed domain name is confusingly similar to Complainant’s trademark, that Respondent has no rights or legitimate interests in respect of the disputed domain name and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

Respondent did not reply to Complainant’s contentions.

#### **6. Discussion and Findings**

In order to succeed in its claim, Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

(ii) Respondent has no rights or legitimate interests with respect to the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 15(a) of the Rules instructs the Panel to 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”.

##### **A. Identical or Confusingly Similar**

Complainant has shown that it has trademark rights in the mark EQUINOR. The disputed domain name

incorporates the entirety of Complainant's trademark, and simply adds the letter "i". This addition does not prevent a finding of confusing similarity, as the mark is recognizable in the disputed domain name. Accordingly, the Panel finds that the disputed domain name is confusingly similar to Complainant's trademark.

### **B. Rights or Legitimate Interests**

Complainant contends that Respondent is not affiliated or related to Complainant in any way, or licensed or otherwise authorized to use Complainant's mark in connection with a website or for any other purpose. There is no evidence in the record indicating that Respondent is using the disputed domain name in connection with a legitimate business, or that Respondent is using the disputed domain name in a noncommercial or fair use manner without intent for commercial gain. There is no evidence in the record that Respondent is generally known by the disputed domain name or has acquired any trademark or service mark rights in the disputed domain name. Indeed, as discussed below, the disputed domain name has been used to perpetuate a fraudulent email scheme. Previous UDRP panels have categorically held that the use of a domain name for illegal activity (e.g. phishing) can never confer rights or legitimate interests on a respondent.

Respondent did not reply to Complainant's contentions. Therefore, the Panel finds that Respondent has no rights or legitimate interests in respect of the disputed domain name

### **C. Registered and Used in Bad Faith**

The record indicates that Respondent has intentionally registered and is using the disputed domain name in bad faith. Respondent's registration and use of the disputed domain name indicates Respondent's deliberate attempt to deceive Internet users into believing that Respondent's website is associated with, authorized by or connected to Complainant and that Respondent was aware of Complainant's well-known trademark at the moment of registration of the disputed domain name. At least one fraudulent mail has been sent from the disputed domain name. When Internet users receive an email from the disputed domain name, they could think that any communication is indeed sent by Complainant.

This indicates that Respondent's intent is to fraudulently obtain personal information or future payment from Internet users who are deceived into believing that the website at the disputed domain name is associated with Complainant. Such evidence of criminal and fraudulent activity demonstrates bad faith. There is a high risk that fraudulent emails are being distributed from the disputed domain name in the name of Complainant for the purpose of "phishing" to obtain personal or financial information.

Finally, Respondent's use of a privacy or proxy service which is known to block or intentionally delay disclosure of the identity of the actual registrant may also be considered as an indication of bad faith. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), Section 3.6).

In consequence, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

## **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, <equiignor.com> be transferred to Complainant.

*/Daniel Kraus/*

**Daniel Kraus**

Sole Panelist

Date: April 14, 2022