

## **ADMINISTRATIVE PANEL DECISION**

**QatarEnergy v. Doreb Perk, Domain Provider, Felix Moore, Ramras  
Case No. D2022-3603**

### **1. The Parties**

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

The Respondents are Doreb Park, United Kingdom, Domain Provider, United States of America (“United States”) and Felix Moore, Ramras, United Kingdom.

### **2. The Domain Names and Registrars**

The disputed domain name <qatarenergytenders.com> is registered with Web Commerce Communications Limited dba WebNic.cc, and the dispute domain names <qatarenergytenders-qa.com> and <qatarenergytendersqa.com> are registered with Internet Domain Service BS Corp (collectively the “Registrars”).

### **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 Registrars a request for registrar verification in connection with the disputed domain names. On September 30, 2022, the Registrars transmitted by email to the Center the verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondents and contact information in the Complaint (Domain Admin, Whois Privacy Corp and Domain Admin, Whoisprotection.cc). The Center sent an email communication to the Complainant on September 30, 2022 providing the registrant and contact information disclosed by the Registrars, 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 Respondents 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 Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on November 1, 2022.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on November 7, 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 Qatar, including the exploration, production, processing, marketing and sales of crude oil, natural gas, liquefied natural gas, gas to liquids products, refined products, petrochemicals, fuel additives, fertilisers, steel and aluminium, chartering of helicopters, investing in industrial and international projects, underwriting insurance, marine bunkering, bitumen, transportation and storage of oil, gas and refined petroleum products.

The Complainant is the owner, amongst others, of the following trademark registrations (Annex 8 to the Complaint):

- Austrian trademark registration No. 316677 for QATARENERGY and device, registered on December 17, 2021;
- United Kingdom trademark registration No. UK00003708704 for QATARENERGY and device, registered on January 7, 2022; and
- European Union trademark registration No. 018573695 for QATARENERGY and device, registered on April 19, 2022.

The disputed domain names were all registered on July 13, 2022. The disputed domain name <qatarenergytenders.com> does not resolve to an active webpage whereas the <qatarenergytenders-qa.com> and <qatarenergytendersqa.com> disputed domain names resolve to webpages displaying pay-per-click ("PPC") links to various third-party goods and services, including those that operate in direct competition with the Complainant.

The details listed for <qatarenergytenders.com> are linked with the domain name <alliwamarineuae.com> which has been listed on a scam alert website (Annex 13 to the Amended Complaint), whereas the telephone number and postal address associated with <qatarenergytenders-qa.com> are linked with the domain name <sc-binkus.com> which has been listed on a scam alert website (Annex 11 to the Amended Complaint), and the email address listed for <qatarenergytendersqa.com> was previously associated with the domain names <alwifahaqfinancesuae.com> and <gulffalconae.com> which have been listed on a scam alert website (Annex 12 to the Amended Complaint).

#### **5. Parties' Contentions**

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

The Complainant asserts to have been founded in 1974, then named the Qatar General Petroleum Corporation and having as main objective "to engage in all phases of the oil industry in Qatar and abroad" including the exploration, drilling and production of oil and natural gas as well as the refining, transport, trading and export of these hydrocarbon substances and their by-products, subsequently renamed and rebranded as Qatar Petroleum in January 2001 and more recently having changed its name to QatarEnergy on October 11, 2021.

According to the Complainant, its revenues from oil and natural gas together amount to 60% of the national GDP of Qatar, being, as of 2018, the third largest oil corporation in the world by oil and gas reserves and having been listed in 2021 as the No. 2 among the “Top 10 Unlisted Companies In Qatar” by Forbes Middle East, in addition to having a global reach as a result of operating in different countries such as Qatar, United States, 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, Saudi Arabia, United Arab Emirates, Bahrain, Kuwait, India, Singapore, and China.

The Complainant submits that the disputed domain names are subject to common control by either the same person or connected parties and for reasons of fairness, equity and efficiency, the Complainant requests consolidation of the multiple Respondents to the same Complaint, given that all disputed domain names: i) were registered on the same day (July 13, 2022); ii) include the Complainant’s QATARENERGY trademark, with the addition of the descriptive term “tenders”; iii) were registered under the .com generic Top-Level Domain (“gTLD”); iv) have been used in connection with fraudulent activities; and v) have all been registered using false Whols information.

The disputed domain names are, according to the Complainant, confusingly similar to the Complainant’s trademark, creating a likelihood of confusion given the reproduction of its trademark which is clearly recognizable as the leading element of the disputed domain names, with the addition of the descriptive term “tenders” (in all disputed domain names) as well as the addition of the geographical abbreviation “qa” for Qatar in two cases and the addition of a hyphen in one of the disputed domain names.

Moreover, the Complainant asserts that the Respondents have no rights or legitimate interests in respect of the disputed domain names given that:

- (a) the Respondents have not used the disputed domain names in connection with a *bona fide* offering of goods or services in accordance with paragraph 4(c)(i) of the Policy nor have the disputed domain names been used for legitimate noncommercial or fair use purpose in accordance with paragraph 4(c)(iii) of the Policy given the passive holding of one of the disputed domain names and the use of the other two disputed domain names in connection with PPC links, as well as the potential use of the disputed domain names in connection with fraudulent activities;
- (b) the Respondents are not commonly known by the disputed domain names, there being no evidence of the Respondents having acquired or applied for any trademark registrations for QATARENERGY, or any variation thereof;
- (c) the disputed domain names cannot constitute fair use given their composition and if they effectively impersonate or suggest sponsorship or endorsement by the trademark owner, carrying in themselves a high risk of implied affiliation with the Complainant, as a Qatari energy supplier, and therefore cannot give rise to any legitimate claim of fair use; and
- (d) the Respondents have no relationship with the Complainant or authorization to make use of the Complainant’s trademark in domain names or otherwise.

As to the registration of the disputed domain names in bad faith, the Complainant asserts that the Respondents knew or should have known of the Complainant’s trademark rights at the time of the registration of the disputed domain names considering that the Complainant’s recent rebranding was widely reported by the international press (Annex 5 to the Complaint) and its trademark registrations predate the disputed domain names. In addition to that the Complainant further asserts that the Respondents’ bad faith is underlined by the registrant details disclosed by the Registrars and two of which do not appear to exist and one of which seemingly belongs to a London theatre, what suggests that the disputed domain names have been registered using false Whols information.

Furthermore, according to the Complainant, the disputed domain names <qatarenergytenders-qa.com> and <qatarenergytendersqa.com> resolve to parking webpages displaying PPC links to third-party goods and services in direct competition with the Complainant presumably generating click-through revenue to the

Respondents and therefore seeking to obtain financial gain derived from the goodwill and reputation attached to the Complainant's trademark, in bad faith. As to the disputed domain name <qatarenergytenders.com> which resolves to an inactive webpage, such non-use would not prevent a finding of bad faith use under the doctrine of passive holding. Lastly, the Complainant submits that there is no plausible good-faith use to which the disputed domain names could be put that would not have the effect of misleading consumers as to the source or affiliation of the disputed domain names.

## **B. Respondents**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain names to the Complainant:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain names.

Before turning to these questions, however, the Panel needs to address the issue of the consolidation of the multiple Respondents.

### **A. Consolidation of Multiple Respondents**

The Complainant requests that this Panel accept the multiple Respondents in a single proceeding in view of the facts enumerated at the section 5.A. above.

Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") establishes that "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario."

All of the aforementioned criteria are present in this case and therefore this Panel accepts such request considering that it would be more procedurally efficient to have the three disputed domain names dealt with at the same procedure, given that all disputed domain names: (a) were registered on the same date; (b) share a similar naming pattern; and (c) have all been registered using false Whois information.

This Panel is satisfied, in view of the evidence submitted and on the balance of probabilities that the disputed domain names are indeed subject to a common control and that consolidation would be fair and equitable to all Parties.

### **B. Identical or Confusingly Similar**

The Complainant has established its rights in the QATARENERGY trademark.

The Panel finds that the disputed domain names reproduce the Complainant's trademark in its entirety. The addition of the term "tenders" (in all disputed domain names) as well as the addition of the abbreviation "qa"

for Qatar in two of the disputed domain names and the addition of a hyphen in one of the disputed domain names and does not avoid a finding of confusing similarity under the Policy which, as recognized by past UDRP panels, involves a “comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.” ([WIPO Overview 3.0](#), section 1.7.)

The first element of the Policy has therefore been established.

### **C. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a nonexclusive list of circumstances that may indicate the Respondents’ rights to or legitimate interests in the disputed domain names. These circumstances are:

- (i) before any notice of the dispute, the Respondents’ use of, or demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondents (as individuals, businesses, or other organizations) have been commonly known by the disputed domain names, in spite of not having acquired trademark or service mark rights; or
- (iii) the Respondents are making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel notes that the Complainant has made out a *prima facie* case that the Respondents lack rights or legitimate interests in the disputed domain names. The burden of production has therefore shifted to the Respondents to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests.

The Respondents, in not responding to the Complaint, have failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules.

As seen above, the use of two of the disputed domain names in connection with PPC links relating to the Complainant’s competitors, and the passive holding of the other disputed domain name cannot characterize a *bona fide* offering of goods or services nor legitimate noncommercial or fair use of the disputed domain names under the Policy.

Furthermore, there is no evidence on record showing that the Respondents have been commonly known by the disputed domain names and the Complainant indeed states that the Respondents have no relationship with the Complainant or authorization to make use of the Complainant’s trademark in domain names or otherwise.

Therefore, the Panel finds that the Respondents lack rights or legitimate interests in the disputed domain names. The second element of the Policy has also been met.

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

The Policy indicates in paragraph 4(b) that bad faith registration and use can be found in view of:

- (i) circumstances indicating that the Respondents have registered or acquired the disputed domain names primarily for the purpose of selling, renting, or otherwise transferring them to the Complainant who is the owner of a trademark relating to the disputed domain names or to a competitor of the Complainant, for valuable consideration in excess of the Respondents’ documented out-of-pocket costs directly related to the disputed domain names; or

- (ii) the Respondents have registered the disputed domain names in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain names, provided that the Respondents have engaged in a pattern of such conduct; or
- (iii) the Respondents have registered the disputed domain names primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the disputed domain names, the Respondents have intentionally attempted to attract, for commercial gain, Internet users to the Respondents' websites or other location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondents' websites or location or of a product or service on the Respondents' websites or location.

The registration and use of the disputed domain names in bad faith can be found in the present case in view of the following circumstances:

- (i) the Respondents have provided no evidence whatsoever of any actual or contemplated good faith use of the disputed domain names;
- (ii) the Respondents' use of two of the disputed domain names in connection with PPC links;
- (iii) the relevance of the Complainant and its trademark and the nature of the disputed domain names (reproducing the entirety of the Complainant's trademark) suggests rather a clear indication of the Respondents' registration and holding of the disputed domain names in bad faith, with the implausibility of any good faith use to which the disputed domain names may be put;
- (iv) the potential use of the disputed domain names in connection with fraudulent schemes; and
- (v) the use of false addresses in the Whois data and, consequently, the Center not being able to have communications fully delivered to the Respondents.

For the reasons as those stated above, the Panel finds that the disputed domain names were registered and are being used in bad faith pursuant to paragraph 4(a)(iii) of the Policy.

The third element of the Policy has therefore been established.

## **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, <qatarenergytenders.com>, <qatarenergytenders-qa.com>, and <qatarenergytendersqa.com>, be transferred to the Complainant.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: November 21, 2022