

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Aleksandr Miklyaev
Case No. D2022-3880

1. The Parties

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

The Respondent is Aleksandr Miklyaev, Norway.

2. The Domain Name and Registrar

The disputed domain name <equinor.one> (the “Domain Name”) is registered with One.com A/S (the “Registrar”).

3. Procedural History

The Complaint in English was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 17, 2022. On October 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 18, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on October 18, 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 amendment to the Complaint in English on October 19, 2022.

On October 18, 2022, the Center sent an email in English and Norwegian to the Parties regarding the language of the proceeding. The Complainant confirmed its request that English be the language of the proceeding on October 19, 2022. The Respondent did not comment on the language of the proceeding.

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 the Respondent in English and Norwegian of the Complaint, and the proceedings commenced on October 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 17, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 18, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 23, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a Norwegian corporation, formerly known as Statoil ASA. The Complainant is an international energy company with operations in more than 30 countries around the world developing oil, gas, wind, and solar energy. The Complainant was founded as The Norwegian State Oil Company (Statoil) in 1972 and the Norwegian State holds 67 per cent of the shares. The Complainant changed its name to Equinor in 2018. In parallel to the name change, EQUINOR trademark applications have been filed worldwide, among them Norwegian trademark registration No. 298811, registered on June 12, 2018.

The Complainant is the owner of more than 100 domain name registrations throughout the world containing the EQUINOR mark distributed among generic Top-Level Domains (“gTLDs”) and country code Top-Level Domains (“ccTLDs”).

According to the Registrar, the Domain Name was registered on March 15, 2018, the same date that the Complainant announced its name change. At the Complaint and at the time of drafting the Decision, the Domain Name resolved to a webpage that claims to offer pet services under the name Arrive Service. As the majority of the site appears to have been written in Latin, prices are listed in USD (not Norwegian kroner, the currency in Norway), and no company named Arrive Service appears to be registered in the Norwegian Company Register, it is highly likely that the Respondent has set up the webpage to appear to have a legitimate business.

5. Parties’ Contentions

A. Complainant

The Complainant provides evidence of trademark registrations. The Complainant argues that the Domain Name is identical to the Complainant’s trademark and company name EQUINOR.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant asserts that the Respondent is not affiliated with the Complainant. The Respondent has not been granted any license to use the EQUINOR trademark nor was the Respondent otherwise authorized by the Complainant to use the trademark. There is no evidence of the Respondent’s use of, or preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services. The Domain Name is used in bad faith.

The Complainant believes it is evident from the composition of the Domain Name that the Respondent, with listed domicile in Norway, chose to register a name that is identical to the Complainant’s trademark and registered company name. The Respondent was fully aware of the fact that it incorporated a well-recognized and distinctive trademark in which the Respondent had absolutely no prior rights. The registration of the Domain Name took place on the day of the Complainant’s name change, March 15, 2018, following earlier press coverage of the coming name change. The use of a privacy service is further indication of bad faith. Finally, the Mail Exchanger records (“MX-records”) are activated for the Domain Name, which may indicate that the Respondent registered the Domain Name for use in phishing or other bad faith activity.

B. Respondent

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

6. Discussion and Findings

A. The Language of Proceedings

Paragraph 11(a) of the Rules provides that the language of the administrative proceeding shall be the language of the Registration Agreement, unless otherwise agreed by the parties. Importantly, paragraph 11(a) also states that the determination of the language of the proceeding is “[...] subject to the authority of the Panel [...], having regard to the circumstances of the administrative proceeding”.

The language of the Registration Agreement is Norwegian. The Complainant submitted its Complaint in English and requested English to be the language of the proceeding. The Panel notes that the Respondent has hastily put up a website where at least the titles are in English, even if most of the text is in programmer Latin. Crucially, the Center has sent the communication regarding the language of the proceeding to the Respondent in both English and Norwegian, providing the Respondent a fair chance to object and yet the Respondent remained silent.

The Panel determines that the language of this proceeding to be English, see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.5.

Turning to the merits of the case, to prevail the Complainant must prove the three elements in paragraph 4(a) of the Policy.

B. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark EQUINOR.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the gTLD “.one”; see [WIPO Overview 3.0](#), section 1.11.

The Panel finds that the Domain Name is identical to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

C. Rights or Legitimate Interests

The Complainant has not granted any authorization to the Respondent to register the Domain Name containing the Complainant’s trademark or otherwise make use of its mark. Based on the evidence, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services. The Respondent’s webpage does not appear to be genuine, but only set up in order to mislead or merely as a pretext. The Panel finds that the composition of the Domain Name carries a high risk of implied affiliation with the Complainant.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

D. Registered and Used in Bad Faith

The Panel finds it likely that the Respondent was fully aware of the fact that the registration of the Domain Name took place on the day of the Complainant’s name change, and the Respondent created the Domain Name in a likely attempt of taking unfair advantage of the Complainant’s nascent rights.

Moreover, considering the fame of the Complainant, the Panel cannot see any plausible legitimate reason for the Respondent to hold the Domain Name without any association with or authorization from the

Complainant, and cannot conceive any good faith use the Respondent may make of the Domain Name.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of 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 Name <equinor.one> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: December 12, 2022