

## ADMINISTRATIVE PANEL DECISION

QatarEnergy v. 葛荣凯 (Ge Rong Kai)

Case No. D2023-3366

### 1. The Parties

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

The Respondent is 葛荣凯 (Ge Rong Kai), China.

### 2. The Domain Name and Registrar

The disputed domain name <qatarenergy.xyz> is registered with Xin Net Technology Corporation (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 4, 2023. On August 7, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 9, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On August 22, 2023, the Center sent an email in English and Chinese to the Parties regarding the language of the proceeding. The Complainant confirmed its request that English be the language of the proceeding on August 22, 2023. The Respondent did not comment on the language of the proceeding.

The Center verified that 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 Chinese of the Complaint, and the proceedings commenced on August 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 21, 2023.

The Center appointed Francine Tan as the sole panelist in this matter on September 22, 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, QatarEnergy (formerly known as Qatar Petroleum), is a Qatari state-owned petroleum company. Founded in 1974, the Complainant operates all oil and gas activities in Qatar. The Complainant states that its activities trace a history of over 80 years. The Complainant's drilling activities led to the historic discovery of the North Field in 1971 and Al Shaheen Field in the mid-1970s. The North Field has 900 trillion standard cubic feet of recoverable gas and is the world's largest non-associated gas field. Al Shaheen Field is Qatar's largest oil field and currently produces up to 300,000 barrels of oil per day.

Wholly owned by Qatar, the Complainant's operations are directly linked with state planning agencies, regulatory authorities and policy-making bodies. The Complainant's revenues from oil and natural gas together amount to 60% of the national GDP of Qatar. As of 2018, the Complainant was the third largest oil corporation in the world by oil and gas reserves. In 2021, the Complainant was listed as the No.2 among the "Top 10 Unlisted Companies In Qatar" by Forbes Middle East.

The Complainant has developed close partnerships with international oil companies in the implementation of many oil and gas projects, as well as in a growing number of exploration and production activities in regions such as Latin America, Africa and the Mediterranean. In addition, the Complainant has substantial global investments in liquefied natural gas terminals, petrochemical projects, and refining facilities. The Complainant has incorporated numerous subsidiaries, joint ventures, associates and joint operations in different countries, such as Qatar, United States of America, Canada, Bahamas, Brazil, Mexico, Argentina, United Kingdom, Netherlands (Kingdom of the), 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 is the owner of various QATARENERGY trade marks worldwide, which include the following:

- Austrian Trademark Registration No. 316677 for QATARENERGY,  registered on December 17, 2021;
- United Kingdom Trademark Registration No. UK00003708704 for QATARENERGY,  registered on January 7, 2022;
- European Union Trademark Registration No. 018573695 for QATARENERGY,  registered on April 19, 2022;
- European Union Trademark Registration No. 018573702 for QATARENERGY,  registered on April 19, 2022; and
- European Union Trademark Registration No. 018573696 for QATARENERGY,  registered on April 20, 2022.

The Complainant owns the domain names <qatarenergy.qa> and <qatarenergy.com.qa>. It also states that it has made substantial investments to develop a strong presence online by being active on various social media platforms. Its Facebook page has over 476,000 "Likes" and more than 59,000 followers on Twitter.

The disputed domain name was registered on March 30, 2023. The disputed domain name resolves to a Dan.com website, where the disputed domain name is offered for sale for the price of USD 1,450.

A cease-and-desist letter was sent to the Respondent on June 19, 2023, in an attempt to resolve the matter amicably, but no response was received.

## 5. Parties' Contentions

### A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is confusingly similar to the Complainant's QATARENERGY trade mark in which it has rights. The Complainant's figurative trade marks comprise a small drop-shaped logo as well as the term QATARENERGY, which is featured prominently in both English and Arabic. The textual element QATARENERGY is a principal feature of the Complainant's trade mark. The disputed domain name incorporates the Complainant's QATARENERGY trade mark in its entirety. The addition of the generic Top-Level Domain ("gTLD") ".xyz" may be disregarded for the purposes of assessment under the Policy as it is a standard registration requirement.
- ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant never authorized or licensed the Respondent to use its QATARENERGY trade mark in any manner or in a domain name. The Respondent's name in both English (Ge Rong Kai) and Chinese (葛荣凯) bear no resemblance to "QatarEnergy", and there is no evidence that the Respondent is commonly known by the disputed domain name or has trade mark rights in QATARENERGY. Further, the listing of the disputed domain name for sale on Dan.com is not a use of the disputed domain name in connection with a *bona fide* offering of goods and/or services since the intention is clearly to target the Complainant's well-known QATARENERGY trade mark and to profit from the goodwill and reputation associated with the trade mark.
- iii. The Respondent registered and is using the disputed domain name in bad faith. The Complainant has acquired renown and considerable goodwill worldwide in connection with oil and gas activities in the reputation of its QATARENERGY trade mark. The Respondent could not have been unaware of the Complainant's QATARENERGY trade mark when he registered the disputed domain name. The disputed domain name was registered on March 30, 2023, which is later than the registration dates of the Complainant's QATARENERGY trade marks. The top Internet search results for the term "Qatarenergy" refer to the Complainant. The Respondent has no rights or legitimate interests in respect of the QATARENERGY mark. The Respondent has also engaged in a pattern of trade mark-abusive domain name registration and has targeted well-known trade mark owners by registering numerous domain names. He has been named as the respondent in several domain name proceedings where panels ordered the transfer of the domain names in dispute to the complainants.

### B. Respondent

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

## 6. Discussion and Findings

### 6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. The Complainant requested that the language of the proceeding be English for the following main reasons:

- (i) The disputed domain name consists of the Complainant's distinctive trade mark, which is a combination of words in the English language, "Qatar" and "energy".
- (ii) The disputed domain name resolves to a website in English, from which it can be inferred that the Respondent is familiar with the English language and will not suffer any prejudice if English is adopted as the language of the proceeding.
- (iii) The disputed domain name was registered under the gTLD ".xyz".

- (iv) Requiring the Complaint to be translated into Chinese would result in the proceedings being unduly delayed and the Complainant having to incur substantial expenses for translation.

The Respondent did not comment on the language of the proceeding.

Paragraph 11(a) of the Rules provides that:

“Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.”

Section 4.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) states the following:

“Noting the aim of conducting the proceedings with due expedition, paragraph 10 of the UDRP Rules vests a panel with authority to conduct the proceedings in a manner it considers appropriate while also ensuring both that the parties are treated with equality, and that each party is given a fair opportunity to present its case.

Against this background, panels have found that certain scenarios may warrant proceeding in a language other than that of the registration agreement. Such scenarios include (i) evidence showing that the respondent can understand the language of the complaint, (ii) the language/script of the domain name particularly where the same as that of the complainant’s mark, (iii) any content on the webpage under the disputed domain name, (iv) prior cases involving the respondent in a particular language, (v) prior correspondence between the parties, (vi) potential unfairness or unwarranted delay in ordering the complainant to translate the complaint, (vii) evidence of other respondent-controlled Domain Names registered, used, or corresponding to a particular language, (viii) in cases involving multiple Domain Names, the use of a particular language agreement for some (but not all) of the disputed Domain Names, (ix) currencies accepted on the webpage under the disputed domain name, or (x) other indicia tending to show that it would not be unfair to proceed in a language other than that of the registration agreement.”

Having considered the relevant factors and interests of the respective Parties, the Panel determines that it would be appropriate for English be the language of the proceeding. The Panel is persuaded that the Respondent would not be prejudiced as he appears to be familiar with and understands the English language. The contents of the resolved webpage reflect words in English and, notably, nothing in Chinese. The Respondent had, moreover, been notified by the Center, in both Chinese and English, of the commencement of the proceeding, the language of the proceeding, and the deadline for filing a Response in Chinese or English. The Respondent therefore had ample opportunity to object and/or propose to submit his Response in Chinese but did not do so. Further, the Panel notes that the Respondent had registered other domain names such as <instagrammer.xyz> <diorbeauty.xyz> and <balmainwatches.xyz>, which show a familiarity with the English language. In the absence of any rebuttal argument or justification by the Respondent, the Panel does not find any justification for requiring the Complainant to translate the Complaint into Chinese, which would be procedurally inefficient.

## **6.2 Substantive Issues**

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

The Complainant has provided evidence of trade mark registrations for the QATARENERGY figurative trade mark in multiple jurisdictions. The textual and a prominent element of the said trade marks, QATARENERGY, is reproduced entirely in the disputed domain name and is recognizable. The Panel also finds that the Complainant has common law rights in the QATARENERGY word mark.

The Panel therefore finds that the disputed domain name is identical or confusingly similar to the Complainant’s QATARENERGY figurative trade mark in which it has rights. The gTLD “.xyz” is typically disregarded in the confusing similarity test under the first element, as the gTLD is merely a technical requirement for domain name registrations.

The first element of paragraph 4(a) of the Policy has been satisfied.

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

The Panel finds that the Complainant has demonstrated a *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. The Respondent was not authorized to use the Complainant's QATARENERGY trade mark or to register a domain incorporating the trade mark. There is no evidence that the Respondent is commonly known by the disputed domain name. The Respondent does not appear to use the disputed domain name for a legitimate noncommercial or fair use without intent for commercial gain.

Once a complainant has established a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production of evidence shifts to the respondent to show that it has rights or legitimate interests in respect of the disputed domain name. (See [WIPO Overview 3.0](#), section 2.1.) The Respondent did not submit a Response to the Complaint, nor has it provided any explanation or evidence to show it has rights or legitimate interests in the disputed domain name. Neither did he respond to the Complainant's cease-and-desist letter. The Respondent has therefore failed to rebut the Complainant's *prima facie* case.

Furthermore, the composition of the disputed domain name carries a high risk of implied affiliation with the Complainant. (See [WIPO Overview 3.0](#), section 2.5.1.)

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The second element of paragraph 4(a) of the Policy has been satisfied.

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

A complainant has the burden of proving that the respondent registered and is using the disputed domain name in bad faith. Paragraph 4(b) of the Policy states that:

"[T]he following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that [the respondent has] registered or [the respondent has] acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the respondent's] documented out-of-pocket costs directly related to the domain name; or
- (ii) [the respondent has] registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the respondent has] engaged in a pattern of such conduct; or
- (iii) [the respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [its] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] web site or location or of a product or service on [the respondent's] web site or location."

The Complainant's QATARENERGY figurative trade marks were registered since 2021. The Complainant has also registered its domain names <qatarenergy.qa> and <qatarenergy.com.qa> since 2021. The disputed domain name is essentially identical to the Complainant's own domain names, save for the different TLD. The Panel finds that the overall circumstances show a clear attempt by the Respondent to confuse and/or mislead Internet users seeking or expecting the Complainant. Previous UDRP panels ruled that in such circumstances "a likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from the Complainant's site to the Respondent's site" (see *Edmunds.com, Inc v. Triple E Holdings Limited*, WIPO Case No. [D2006-1095](#)). To this end, prior UDRP panels have established that attracting Internet traffic by using a domain name that is identical or confusingly similar to create a likelihood of confusion with a registered trade mark may be evidence of bad faith under paragraph 4(b)(iv) of the Policy.

Further, the disputed domain name resolves to a Dan.com webpage, which lists the sale of the disputed name for the sum of USD 1,450. This amount is likely in excess of any reasonable out-of-pocket fee paid for the registration of the disputed domain name. The disputed domain name was registered on March 30, 2023. The Respondent's description of the disputed domain name on the Dan.com webpage emphasizes that it is a "premium domain", and that "[the disputed domain name] will appreciate just like precious metals, cryptocurrencies, real estate, etc. It is a permanent asset. Due to their scarcity and demand, premium domain names have historically increased in value. It is also a wise business investment with potential resale value". The Respondent therefore clearly intended to register the disputed domain name for the sole purpose of selling it. Previous UDRP panels have held that the registration of a domain name for the sole purpose of selling it constitutes bad faith under UDRP 4(b)(i). For instance in *Compagnie Générale des Etablissements Michelin v. Cameron Jackson*, WIPO Case No. [D2016-2392](#), the panel made these observations, which also apply in this case:

"Further, the Respondent, by having registered many domain names that incorporate third-party marks, has established a pattern of abusive registration. By virtue of registering the disputed domain names, in view of that pattern, the Respondent has prevented the Complainant from reflecting its mark MICHELIN in the disputed domain names in violation of paragraph 4(b)(ii) of the Policy.

The facts that the Respondent never used any of the disputed domain names to resolve to an operational website, never made any demonstrable preparations towards that end ... are all further evidence that the Respondent never intended to use any of the disputed domain names in a lawful manner, *i.e.*, in connection with a *bona fide* offering of goods or services, a fair use or legitimate noncommercial use."

The Panel also draws an adverse inference from the Respondent's failure to file any Response, to rebut the Complainant's assertions in the Complaint, and to respond to the cease-and-desist letter. It agrees that the circumstances constitute evidence of bad faith registration and use under paragraph 4(b)(i) of the Policy.

The third element of paragraph 4(a) of the Policy has been 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 <qatarenergy.xyz> be transferred to the Complainant.

/Francine Tan/

**Francine Tan**

Sole Panelist

Date: October 6, 2023