

ADMINISTRATIVE PANEL DECISION

Saudi Arabian Oil Co. v. Maximillian Raycivher
Case No. DAE2023-0007

1. The Parties

The Complainant is Saudi Arabian Oil Co., Saudi Arabia, represented by Fish & Richardson P.C., United States of America (“United States”).

The Respondent is Maximillian Raycivher, United Arab Emirates.

2. The Domain Name and Registrar

The disputed domain name <aramcoproducts.ae> is registered with AE Domain Administration (.aeDA).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 16, 2023. On August 17, 2023, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On August 18, 2023, .aeDA transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 31, 2023. In accordance with the Rules, paragraph 5(a), the due date for Response was September 20, 2023. The Center received an email communication from the Respondent on September 4, 2023. The Center notified the commencement of Panel appointment process on September 22, 2023.

The Center appointed Steven A. Maier as the sole panelist in this matter on September 27, 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 is an oil and gas production corporation located in Saudi Arabia.

The Complainant is the owner of numerous trademark registrations for the mark ARAMCO, including United Arab Emirates trademark number 37628 for the word mark ARAMCO, registered on January 8, 2000, in International Class 4.

The disputed domain name was registered on April 26, 2023.

The Complainant produces evidence that the disputed domain name has resolved to a website headed “ARAMCO PRODUCTS AE – Your reliable partner in oil products trading”. The website includes a prominent picture of an oil-related installation, and continues “About Aramco - Aramco is a leading supplier of petroleum products. We offer a wide range of products, including gasoline, diesel, fuel oil, liquified natural gas (LNG) and jet fuel.” The website includes contacts details, comprising a street address in Dubai, a phone number, and an email address linked to the disputed domain name.

5. Parties' Contentions

A. Complainant

The Complainant submits that it was founded in 1933 and is the world's largest oil producer. It states that the mark ARAMCO is an acronym for “Arabian American Oil Company” and that it has used the mark continuously since 1994. It has also operated a website at “www.aramco.com” since 1994. The Complainant produces excerpts from its annual report for 2022, which includes evidence of the history and prominence of the ARAMCO trademark, and reports overall revenue of USD 161 billion for that year.

The Complainant submits that the disputed domain name is confusingly similar to its ARAMCO trademark. It contends that the addition of the descriptive term “products” to that trademark should be disregarded, and that the country code Top-Level Domain (“ccTLD”) “.ae” is also irrelevant, for the purposes of that assessment.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its ARAMCO trademark, that the Respondent has not commonly been known by the disputed domain name and that the Respondent is making neither *bona fide* commercial use nor legitimate noncommercial or fair use of the disputed domain name. It contends that, instead, the Respondent is using the disputed domain name to divert Internet users to a website which falsely represents itself that of the Complainant.

The Complainant exhibits correspondence with the Registrar in May 2023 in which the Complainant sought to have the disputed domain name suspended. The Registrar responded, quoting a reply from the Respondent, which stated that the Respondent was an independent entity named Aramco Oil Products Trading L.L.C. and had obtained an “official license” (number 728280) from the Dubai authorities to trade under this name. The Complainant disputes, however, that the Respondent is genuinely trading. First, it denies that the named Respondent is connected with any legitimate company named as above. Secondly, it states that the Respondent's supposed business address shown on its website is used in connection with two other “suspicious” websites, one relating to oil trading and the other to software. It further contends that the telephone number on the Respondent's website does not relate to any Dubai business, but it also used in connection with two other websites, related to interior design. The Complainant submits that, when it called the number in question, the person who answered did not recognize the name “Aramco Oil Products Trading” and said that the caller had the wrong number.

The Complainant submits that the disputed domain name was registered and has been used in bad faith. It contends that, in light of the prominence of its ARAMCO trademark, and the Respondent's use of the disputed domain name, it is clear that the Respondent registered the disputed domain name with knowledge of the Complainant's mark and with the intention of taking unfair advantage of it.

The Complainant submits that the Respondent's website represents a clear attempt by the Respondent to pass itself off as the Complainant and to mislead Internet users into believing it is an official site of the Complainant. The Complainant relies on the Respondent's use of its ARAMCO mark, being a term coined by the Complainant, as well as the Respondent's offer of oil and gas-related products and related services. The Complainant also exhibits a page from its website at "www.aramco.com", which includes a prominent picture of an oil-related installation, not dissimilar from that shown on the Respondent's website.

The Complainant contends in the circumstances that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

In its email to the Center dated September 4, 2023, it stated that: "We would like to clarify that our company operates with a fully legitimate license obtained through proper legal channels in Dubai. We adhere to all relevant laws and regulations, and we maintain the highest standards of business ethics. We encourage you to verify the authenticity of our license, as we are confident that it will be found to be in full compliance with Dubai's legal requirements."

While the Respondent further stated that: "[o]ur legal team is actively working on preparing a comprehensive legal response that addresses all the points raised in your communication", no formal Response was in fact filed in the proceeding.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 6(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has 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 or is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of registered trademark rights for the mark ARAMCO. The disputed domain name incorporates that trademark in full, together with the term "products", which does not prevent the Complainant's trademark from being recognizable within the disputed domain name. Nor is the ccTLD ".ae" material to the assessment of confusing similarity for the purposes of paragraph 6(a)(i) of the Policy.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

While the Respondent has not filed a Response in the proceeding, it has asserted in informal correspondence that it has rights or legitimate interests in respect of the disputed domain name by virtue of a business license, issued by the Dubai authorities, to trade under the name Aramco Oil Products Trading L.L.C.

The Respondent does not exhibit the business license referred to, but even if it were to produce it, its existence would not be conclusive of rights or legitimate interests in respect of the disputed domain name. In this regard, the Respondent must produce evidence of the use of, or preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services, sufficient to establish that its business is genuine, and is not merely a sham or pretext for the registration of the disputed domain name. This evidence may include, *e.g.*, evidence of business formation, evidence of credible investment in promotional activities, a business plan, and/or other evidence generally pointing to a lack of cybersquatting intent (see *e.g.*, section 2.2 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")¹).

Not only does the Respondent produce no evidence consistent with the above requirements, but neither does it answer the Complainant's submissions that the contact details provided on its website do not appear genuinely to relate to the business in question and that the individual answering the telephone had not apparently heard of the business.

Nor does the Respondent seek to explain its choice of the "Aramco Oil Products" business name, which the disputed domain name is purported to reflect, in circumstances where this wholly appropriates the Complainant's widely-known, coined, and distinctive ARAMCO trademark, and is used by the Respondent in connection with products similar to those which the Complainant supplies.

In the circumstances, the Panel readily concludes that the Respondent registered the disputed domain name for the purpose of taking unfair advantage of the Complainant's goodwill in its ARAMCO trademark, and that its operation of a business incorporating the ARAMCO name (if any) is a sham and a pretext for its abusive registration of the disputed domain name.

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

C. Registered or Used in Bad Faith

As observed above, the Panel finds the Complainant's ARAMCO trademark to represent a distinctive, coined term which is widely known in the oil and gas sector to refer to the Complainant and its products. The Respondent has offered no explanation of its choice to incorporate the Complainant's trademark in the name of its supposed business and, therefore, the disputed domain name, which is of particular note in circumstances where it purports to operate in the same business sector. The Panel can only conclude in the circumstances that the Respondent had the Complainant's trademark in mind when it registered the disputed domain name, and that it did so in order to take unfair commercial advantage of the Complainant's rights in its ARAMCO trademark.

The Panel finds, further, that the Respondent has used the disputed domain name to impersonate the Complainant, by virtue not only of the inherently misleading nature of the disputed domain name, but also by its use in respect of a website which is likely to mislead Internet users into believing that it is owned or operated by, or otherwise legitimately affiliated with, the Complainant. The Panel notes in particular the Respondent's presentation of a website which looks similar to that of the Complainant and makes extensive use of the Complainant's widely-known ARAMCO trademark. The Panel further accepts the Complainant's submissions that the contact information on the website appears to be deceptive.

¹ The Panel notes that the Policy is substantially similar to the Uniform Domain Name Dispute Resolution Policy ("UDRP") and, as such, the Panel has drawn on authority concerning the UDRP, in relation to similar terms of the Policy.

The Panel finds in the circumstances that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 6(b)(iv) of the Policy).

The Panel finds in the circumstances that the disputed domain name has both been registered and is being used in bad faith.

7. Decision

For the foregoing reasons, in accordance with paragraphs 6(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <aramcoproducts.ae>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: October 11, 2023