

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc. v. leblanc mcdonnell
Case No. D2024-2357

1. The Parties

The Complainant is Halliburton Energy Services, Inc., United States of America, represented by Polsinelli PC, United States of America.

The Respondent is leblanc mcdonnell, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <careers-halliburton.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 June 10, 2024. On June 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 11, 2024, 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 (Redacted for Privacy, PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 13, 2024, 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 on June 13, 2024.

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 of the Complaint, and the proceedings commenced on June 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 24, 2024.

The Center appointed Alan L. Limbury as the sole panelist in this matter on July 29, 2024. 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, Halliburton Energy Services, Inc., is a wholly owned subsidiary of the Halliburton Company, a leader in the global energy industry, founded in 1919 and operating in approximately 70 countries. Its official website is at “www.halliburton.com”.

The Complainant has rights in numerous HALLIBURTON registered trademarks in more than 60 countries, including with the United States Patent and Trademark Office, e.g. Reg. No. 2,575,819, registered on June 4, 2002, for *inter alia* oil, gas and geothermal well drilling in Class 37, and Reg. No. 2,575,840, registered on June 4, 2002, for *inter alia* oil and gas well downhole metal goods in Class 6.

The disputed domain name <careers-halliburton.com> was registered on May 20, 2024. Beginning the next morning, the domain name was used to send emails from <[...]@careers-halliburton.com> and from <[Name of a Senior Human Resources Specialist from Halliburton Company]@careers-halliburton.com> to potential employees of Halliburton Company, seeking the full name and contact details of the email recipients and arranging for one-way video job interviews. The disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's distinctive and well-known HALLIBURTON mark.

The Respondent acquired the domain name for the sole purpose of exploiting the Complainant's goodwill in the HALLIBURTON mark. Nothing in the record reflects the Respondent's use of the disputed domain name in connection with a bona fide offering of goods or services. The Respondent cannot claim to be making any legitimate noncommercial or fair use of the disputed domain name and the Complainant does not believe the Respondent has ever been commonly known by that name.

The Respondent's bad faith is palpable. It is clear from the relevant circumstances that the Respondent was well aware of the Complainant and had the Complainant's HALLIBURTON mark firmly in mind when registering the disputed domain name. The Respondent is also doing everything it can in an attempt to impersonate a Human Resources employee of Halliburton Company. The Respondent's sole motivation in relation to the registration and use of the disputed domain name was to capitalize on or otherwise take advantage of the likely confusion with the Complainant's trademark rights by targeting potential employees. When this use and registration of the disputed domain name is combined with the scheme of fraud sought to be perpetrated not only on Halliburton Company, but on potential employees of Halliburton Company, the evidence of bad faith could not be clearer.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Although the addition of other terms, here the word "careers" and a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.

[WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, including phishing, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent.

[WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity, including phishing, impersonation/passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad

faith under the Policy. Specifically, the Complainant has annexed copies of email correspondence, commencing the day after registration of the disputed domain name, in which the Respondent impersonated an employee of Halliburton Company in order to phish for the recipient's personal information.

The Panel finds that the Complainant has established the third element 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 disputed domain name <careers-halliburton.com> be transferred to the Complainant.

/Alan L. Limbury/

Alan L. Limbury

Sole Panelist

Date: August 12, 2024