

## **ADMINISTRATIVE PANEL DECISION**

### **Halliburton Energy Services, Inc. v. Jesus Jesus, Major Air Service Case No. D2024-3172**

#### **1. The Parties**

The Complainant is Halliburton Energy Services, Inc., United States of America ("United States"), represented by Polsinelli PC Law firm, United States.

The Respondent is Jesus Jesus, Major Air Service, United States.

#### **2. The Domain Name and Registrar**

The disputed domain name <hallibnrton.com> is registered with NameCheap, Inc. (the "Registrar").

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 1, 2024. On August 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 2, 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") and contact information in the Complaint. The Center sent an email communication to the Complainant on August 5, 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 the same day.

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 August 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 27, 2024.

The Center appointed Ik-Hyun Seo as the sole panelist in this matter on August 30, 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 is an energy company founded in 1919 in the United States. The Complainant has 40,000 employees and operations in approximately 70 countries and handles the entire oil service process from locating hydrocarbons and managing geological data to drilling, well construction, and product optimization. The Complainant's annual revenues in 2021, 2022, and 2023 were USD 15.2 billion, USD 20.2 billion, and USD 23.0 billion, respectively. The Complainant has won awards such as America's Best Employers for Diversity, Global 2000, and America's Best Employers by State from 2019 Forbes Magazine. The Complainant owns a number of trademark registrations for the mark HALLIBURTON including United States Trademark Registration Number 2,575,819 and United States Trademark Registration Number 2,575,840, both registered on June 4, 2002.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on July 8, 2024, and at the moment of the filing of the Complaint until the date of this Decision, does not resolve to any 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.

First, the Complainant contends that the disputed domain name is confusingly similar to the mark in which the Complainant has rights. The Complainant states that the disputed domain name only differs from the Complainant's mark in that the letter "u" is replaced with the confusingly similar letter "n" which does not dispel the confusing similarity but actually demonstrates the Respondent's targeting of the Complainant's mark to impersonate the Complainant as a form of typosquatting.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and states that the Respondent used the disputed domain name to send fraudulent emails to its vendor posing as employees of the Complainant, communicating with the vendor regarding payment for services.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. The Complainant contends that given the fame of the Complainant's mark, the Respondent's typosquatting, and the Respondent's use of a proxy service, and most of all, the Respondent's use of the disputed domain name to send fraudulent emails, there is sufficient evidence to find bad faith on the part of the Respondent.

##### **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.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The disputed domain name has replaced the letter “u” with the letter “n” but as the letter is in the middle of the disputed domain name, which is composed of 11 letters altogether, this substitution does not prevent confusing similarity. And for this reason, the misspelling appears intentional and may be a form of typosquatting under [WIPO Overview 3.0](#), section 1.9.

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.

Further, evidence shows that the Respondent sent emails to the Complainant’s vendor, posing as employees of the Complainant and communicating regarding payment on invoices, likely in an attempt to carry out a fraudulent scheme. Panels have held that the use of a domain name for illegal activity - here, claimed phishing and impersonation/passing off - 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**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, there is evidence of the Respondent’s use of the disputed domain name to send fraudulent emails to the Complainant’s vendor while posing as the Complainant’s employees in what appears to be a scheme to defraud the vendor and/or the Complainant financially. Based on such use, it is clear that the Respondent targeted the Complainant in registering the disputed domain name, and in cleverly changing just one letter of the Complainant’s mark to make the disputed domain name appear as confusingly similar to the Complainant’s mark as possible.

Panels have held that the use of a domain name for illegal activity - here, claimed phishing and impersonation/passing off - 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.

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 <hallibnrton.com> be transferred to the Complainant.

*/Ik-Hyun Seo/*

**Ik-Hyun Seo**

Sole Panelist

Date: September 20, 2024