

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. ALKrei oiuertj
Case No. D2024-4252

1. The Parties

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

The Respondent is ALKrei oiuertj, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <quinor.cfd> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 15, 2024. On October 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 16, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 16, 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 October 17, 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 October 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 8, 2024.

The Center appointed Assen Alexiev as the sole panelist in this matter on November 15, 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 a Norwegian energy company developing oil, gas, wind and solar energy, and operating in more than 30 countries around the world. The Complainant was formerly known as Statoil and changed its name to Equinor in 2018.

The Complainant is the owner of the following trademark registrations for the sign "EQUINOR" (the "EQUINOR trademark"):

- the International trademark EQUINOR with registration No. 1444675, registered on July 4, 2018, for goods and services in International Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41, and 42;
- the European Union trademark EQUINOR with registration No. 017900772, registered on January 18, 2019, for goods and services in International Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41, and 42; and
- the United States trademark EQUINOR with registration No. 6436681, registered on August 3, 2021, for goods and services in International Classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41, and 42.

The Complainant is also the owner of the domain name <equinor.com> which resolves to its official website.

The disputed domain name was registered on October 2, 2024. It is inactive and has Mail Exchange ("MX") records activated.

5. Parties' Contentions

A. Complainant

The Complainant states that the disputed domain name is confusingly similar to its EQUINOR trademark, because it incorporates the entire trademark except for the first letter "e", and the trademark is recognizable within the disputed domain name. According to the Complainant, Internet users would assume a connection with the Complainant when seeking information on a website at the disputed domain name or when receiving emails from accounts associated to it.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name, because it is not related to the Complainant, is not authorized to use the EQUINOR trademark, is not known under the disputed domain name, and has not acquired any relevant trademark rights. The Complainant maintains that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain, and is not using the disputed domain name in connection with a bona fide offering of goods or services.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It submits that when it changed its name to Equinor in 2018, the name change was announced and commented worldwide on different media platforms. The Complainant notes that the disputed domain name was registered six years later, and maintains that when the Respondent registered it, it was fully aware that the same incorporated the EQUINOR trademark. The Complainant points out that the Respondent has taken measures to block or intentionally delay the disclosure of its identity.

The Complainant notes that the disputed domain name is inactive but has MX records activated for it, and maintains that recipients of email messages sent from an account at the disputed domain name are likely to assume that such messages have a connection to the Complainant.

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 the EQUINOR trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name incorporates the distinctive EQUINOR trademark with the omission of its first letter. The Respondent has not submitted any reason why it should be regarded as having any independent meaning distinct from the Complainant's EQUINOR trademark, and there is no basis to regard the disputed domain name otherwise than as an obvious and intentional misspelling of this trademark, which remains recognizable in it. As discussed in section 1.9 of the [WIPO Overview 3.0](#), a domain name that consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark.

The Panel therefore finds that the disputed domain name is confusingly similar to the EQUINOR trademark and that 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.

The disputed domain name appears as an obvious and intentional misspelling of the Complainant's EQUINOR trademark, and the adoption of such misspelling may be regarded as a sign of an intention to confuse and attract Internet users seeking for the Complainant. The name and contact details that the Respondent has provided to the Registrar ("*ALKrlci oiuertj*" with an address "*here n there*" in New York), are obviously false and hide its real identity. The disputed domain name has MX records enabled, so it may be used for email communications, and Internet users receiving such communications may well mistakenly believe them to originate from or to be related to the Complainant. All this, combined with the absence of any plausible explanation by the Respondent for the registration and use of the disputed domain name, cannot support a conclusion that the Respondent has rights or legitimate interests in the disputed domain name.

The Panel therefore finds that 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.

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 found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's EQUINOR trademark, the composition of the disputed domain name, which appears as an intentional misspelling of the same trademark, the attempt of the Respondent to hide its identity through the provision of obviously false contact details, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Panels have also held that the use of a domain name for illegitimate activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Here, the disputed domain name has MX records enabled, which means that it is intended to be used for email communications. Since the disputed domain name is more likely than not an intentional misspelling of the Complainant's EQUINOR trademark, it is also more likely than not that the Respondent's intent in registering and using the disputed domain name was to confuse Internet users receiving email correspondence from accounts set up with the disputed domain name that such communications have their source with the Complainant. Such use of the disputed domain name would represent an illegitimate activity.

Considering all the above, 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 <quinox.cfd> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: November 27, 2024