

ADMINISTRATIVE PANEL DECISION

BP Europa SE v. Nguyen Aiko
Case No. D2025-0432

1. The Parties

Complainant is BP Europa SE, Germany, represented by Noerr PartG mbB, Germany.

Respondent is Nguyen Aiko, Germany.

2. The Domain Name and Registrar

The disputed domain name <bp-heizoel.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 4, 2025. On February 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 2025, 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 (GDPR Masked) and contact information in the Complaint. The Center sent an email communication to Complainant on February 5, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 6, 2025.

The Center verified that the Complaint together with the amended 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 Respondent of the Complaint, and the proceedings commenced on February 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 28, 2025.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on March 4, 2025. 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

Complainant is a company organized under the laws of Germany that is active in the oil and gas industry.

Complainant has provided evidence that it is the registered owner of numerous trademarks relating to its company name and brand BP, including, but not limited to, the following:

- word trademark BP, German Patent and Trademark Office (“Deutsches Patent- und Markenamt”, “DPMA”), registration number: 483236, registration date: February 29, 1936, status: active;
- word trademark BP, DPMA, registration number: 30080171, registration date: December 7, 2001, status: active.

Respondent, according to the Registrar Verification, is located in Germany, too. The disputed domain name was registered on January 11, 2025. By the time of the rendering of this decision, it does not resolve to any active content on the Internet. Complainant, however, has demonstrated that at some point before the filing of the Complaint, the disputed domain name resolved to a website at “www.bp-heizoel.com” which was set up in the German language and offered heating oil for online sale, thereby prominently displaying Complainant’s BP trademark and using the contact details of one of Complainant’s subsidiaries in Germany without any authorization to do so.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends that due to the extensive and long-standing use of Complainant’s BP trademark, the designation “BP” is widely known, and it enjoys reputation with respect to the goods and services claimed by that trademark.

Complainant submits that the disputed domain name is confusingly similar to Complainant’s BP trademark, as it incorporates that entirely, merely added by the descriptive element “heizoel” (which is German for “heating oil”). Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent registered the disputed domain name under a fake identity, (2) Respondent’s website under the disputed domain name is a scam, posing to be affiliated with Complainant and aimed at misleading persons into buying heating oil, which they will never receive, (3) Complainant has at no time authorized the registration of domain names containing its BP trademark or the use of such trademark on a corresponding website, (4) there is no form of licensing agreement with Respondent, and (5) Respondent uses various references to Complainant on the website under the disputed domain name without any authorization to do so. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) Respondent has registered and is using the disputed domain name for illegal activities, and (2) Respondent provided false registrant information when registering the disputed domain name, such as an address which is clearly fictional.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

First, 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 Complainant's BP 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.

Complainant has shown rights in respect of its BP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Moreover, the entirety of such trademark is reproduced within the disputed domain name, merely added by the term "heizael" which is German for "heating oil". Accordingly, the disputed domain name is confusingly similar to Complainant's BP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of other terms (here, the term "heizael") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and Complainant's BP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel, therefore, holds that the first element of the Policy has been established.

B. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

In particular, Respondent has not been authorized to use Complainant's BP trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the term "bp" and/or "bp-heizoel" on its own. To the contrary, the disputed domain name at some point before the filing of the Complaint resolved to a website at "www.bp-heizoel.com" which was set up in the German language and offered heating oil for online sale, thereby prominently displaying Complainant's BP trademark and using the contact details of one of Complainant's subsidiaries in Germany without any authorization to do so. Such making use of the disputed domain name neither qualifies as bona fide nor as legitimate noncommercial or fair use within the meaning of the Policy, not even so under the so-called "Oki Data" principles which would have required Respondent e.g. to accurately and prominently disclose on such website the non-existent relationship between Respondent and Complainant as the BP trademark holder, which Respondent obviously and quite to the contrary did not. [WIPO Overview 3.0](#), section 2.8. Also, UDRP panels have largely held that where a domain name consists of a trademark (here, BP) plus an additional term (here, "heizoel"), such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner as in the case at hand. [WIPO Overview 3.0](#), section 2.5.1.

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

C. Registered and Used in Bad Faith

Third, 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.

The circumstances to this case leave no doubts that Respondent was fully aware of Complainant's rights in the undisputedly widely known BP trademark when registering the disputed domain name and that the latter is clearly directed thereto. Moreover, using the disputed domain name, which is confusingly similar to Complainant's BP trademark, to run a website at "www.bp-heizoel.com" which was set up in the German language and offered heating oil for online sale, thereby prominently displaying Complainant's BP trademark and using the contact details of one of Complainant's subsidiaries in Germany without any authorization to do so, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's BP trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy

In this context, it also carries weight in the eyes of the Panel that Respondent obviously provided false or incomplete contact information in the Whois register for the disputed domain name since, according to the tracking report provided by the postal courier DHL, the Written Notice on the Notification of Complaint dated February 7, 2025 could not be delivered. Also, Complainant has demonstrated that the postal address contained in the Whois register simply does not exist. This alone at least throws a light on Respondent's behavior which supports the Panel's bad faith finding.

The Panel, therefore, holds that 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, <bp-heizoel.com>, be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: March 17, 2025