

ADMINISTRATIVE PANEL DECISION

Valero Energy Corporation, Valero Marketing and Supply Company v. Host Master, Njalla Okta LLC
Case No. D2025-1553

1. The Parties

Complainants are Valero Energy Corporation, United States of America ("United States"), and Valero Marketing and Supply Company, United States, represented by Fasthoff Law Firm PLLC, United States.

Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

2. The Domain Names and Registrar

The disputed domain names <valera.wales> and <valero.wales> are registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 17, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 22, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from named Respondent (Redacted for Privacy, John Doe) and contact information in the Complaint.

The Center sent an email communication to Complainants on April 25, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants filed an amended Complaint on April 28, 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 April 30, 2025. In accordance with the Rules, paragraph 5, the due

date for Response was May 20, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on May 21, 2025.




The Center appointed Gabriel F. Leonardos as the sole panelist in this matter on May 26, 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

Complainants are Valero Energy Corporation, and Valero Marketing and Supply Company, the latter being a wholly-owned subsidiary of Valero Energy Corporation (Complainants are hereinafter collectively referred to as "Complainant"). Complainant is a producer of essential fuels based in the United States. At the time the disputed domain names were registered, Complainant was listed as the 18th largest company in the United States according to Fortune magazine.

Complainant is the owner of several registrations in the United States for the VALERO trademark and highlights that it has used said trademark in national and international commerce for at least 41 years in a wide variety of media formats, such as print, television, radio, and Internet. Complainant also owns the domain name <valero.com>, which is also utilized for company email addresses for internal communication, with customers, vendors, and general public.

Some examples of Complainant's trademarks registrations for VALERO can be found below:

Registration	Trademark	Jurisdictions	International Class	Registration Date
1,314,004	VALERO	United States	42	January 8, 1985
3,688,322		United States	40	September 29, 2009
2,938,790		United States	36	April 5, 2005
4,216,650	VALERO	United States	36	October 2, 2012
2,927,757		United States	4	February 22, 2005

The disputed domain names <valera.wales> and <valero.wales> were registered on April 6, 2025, and January 18, 2025, respectively. According to the evidence provided by Complainant, Respondent has produced and uploaded a video to YouTube prominently featuring Complainant's trademarks without authorization. Viewers of the video were encouraged to sign up for a so-called "Valera/Valero Wales investing app" and to deposit money through the "www.valera.wales" and "www.valero.wales" websites. Currently, the disputed domain names redirect users to websites that resolve to blank pages.

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 names.

Notably, Complainant contends that the disputed domain names capture in their entirety the trademark VALERO owned by Complainant, changing only one letter (from an "o" to an "a") in the disputed domain

name <valera.wales> and in both cases with the generic Top-Level Domain ("gTLD") ".wales", which does not prevent the confusing similarity with Complainant's VALERO trademark.

Additionally, Complainant asserts that other panels have previously recognized Complainant's rights in the VALERO trademark. Such as *Valero Energy Corporation and Valero Marketing and Supply Company v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Name Redacted*, WIPO Case No. [D2019-1708](#); and *Valero Energy Corporation and Valero Marketing and Supply Company v. David Wayne*, WIPO Case No. [D2016-1461](#).

Therefore, according to Complainant, the disputed domain names are confusingly similar to Complainant's trademark VALERO, fulfilling paragraph 4(a)(i) of the Policy.

Complainant affirms that Respondent is not sponsored, nor affiliated and has no relationship with Complainant and that no business or activities have ever been conducted between them. Also, Complainant states that it has neither authorized, nor somehow given its consent to Respondent to register or use the disputed domain names in any way.

Complainant states that Respondent is neither known by the disputed domain names nor making any fair use of them. Thus, Respondent cannot be regarded as having acquired rights to or legitimate interests in the disputed domain names.

Per Complainant, Respondent is making an illegitimate, noncommercial and unfair use of the disputed domain names with the intent for commercial gain to misleadingly divert consumers and/or to harm Complainant's business reputation, since the disputed domain names represent an operation that scams consumers through the use of Complainant's trademarks.

In this manner, Complainant states that no legitimate use of the disputed domain names could be reasonably claimed by Respondent, fulfilling paragraph 4(a)(ii) of the Policy.

Finally, Complainant urges that the disputed domain names were registered and are being used in bad faith. Complainant contends that Respondent knew or should have known about the existence of Complainant's rights in the VALERO trademark and of Complainant's prominence in the business world at the time of the registration of the disputed domain name. In this sense, the use of the VALERO trademark in the present case shows that it is not possible to conceive a plausible situation in which Respondent would have been unaware of Complainant's rights. Thus, Respondent exercised a willful blindness of Complainant's earlier rights.

Complainant argues that Respondent was unfairly and intentionally taking advantage of, and exploiting without authorization, the reputation and distinctiveness of Complainant's trademark VALERO to attract and scam through a façade of a legitimate platform endorsed or owned by Complainant.

Complainant also reasons that Respondent provided false contact information to Registrar in an attempt to conceal their true identity, thus constituting bad faith.

Thus, according to Complainant, the requirements for the identification of a bad faith registration and use of the disputed domain names have been fulfilled, pursuant to paragraphs 4(a)(iii) and 4(b) of the Policy.

Accordingly, requests the disputed domain names be transferred to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To succeed in a UDRP complaint, Complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as following:

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

The burden of proving these elements is upon Complainant.

Respondent had 20 days to submit a Response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the complaint, in the absence of exceptional circumstances, the Panel's decision shall be based upon the complaint.

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 Complainant's trademark and the disputed domain names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds 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 entirety of the trademark VALERO is being reproduced within the disputed domain name <valero.wales>. The disputed domain name <valera.wales> is nearly identical to the trademark VALERO, save for substitution of the letter "o" with the letter "a". Accordingly, the disputed domain names <valera.wales> and <valero.wales> are confusingly similar and identical respectively to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7, and 1.9.

Furthermore, the gTLD ".wales" is typically disregarded under the first element. See [WIPO Overview 3.0](#), section 1.11.1.

Therefore, based on the available record, 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 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 names. 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 names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity, here claimed as a scam operation, can never confer rights or legitimate interests on a respondent, since the disputed domain names represented part of an operation to trick consumers into depositing money to an investing app unrelated to Complainant's business. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, Respondent is not entitled to any trademark, trade name, or any other rights associated with the disputed domain names. Additionally, Respondent has not been authorized by Complainant to use the VALERO trademark, and there is no commercial relationship between the Parties. Respondent is not known by the disputed domain names, and the Panel notes that Respondent is making an illegitimate use of the disputed domain names. In light of these circumstances, the Panel finds that no rights or legitimate interests can be found on Respondent.

Accordingly, 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, the Panel notes that Respondent has registered the disputed domain names that are confusingly similar to Complainant's trademark VALERO, as explained above in Section 6.A. Also, based on the available record, it was established that Respondent has no affiliation with Complainant and the trademark VALERO, nor has it sought authorization or a license to utilize Complainant's trademark. Also, Respondent does not own any trademarks containing the term "valero", nor has it shown any rights in the trademark or any relating terms, as explained in Section 6B.

Furthermore, considering Complainant's significant worldwide reputation appearing as one of the biggest companies in the United States, Respondent evidently knew or should have known of the existence of Complainant's prior trademark rights and domain names, which were matters of public record, before registering the disputed domain names. Other than this, considering Respondent's documented use of the VALERO trademark in connection with the disputed domain names, Respondent must have had knowledge of Complainant's pre-existing rights in the VALERO trademark and should also have known about Complainant's domain names such as <valero.com>.

The registration of the disputed domain names was carried out by Respondent, who had the responsibility to verify the existence of the third party trademarks. Therefore, considering the unlawful use of the disputed domain names, it may be inferred that the registration of the disputed domain names was intentionally done with plans of scamming users through the reputation of Complainant's trademarks in question. This action resulted in a likelihood of confusion among Internet users, specially taking into consideration Respondent's use of the disputed domain names, trademarks, and visual identity. The likelihood of confusion was also demonstrated by Complainant with the presentation of emails received from people who were defrauded when transferring funds to Respondent.

Panels have held that the use of a domain name for illegal activity (i.e. scamming, or other types of fraud, in this case), constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

Therefore, the Panel finds that the circumstances of the present case allow for a finding of bad faith in the registration and use of the disputed domain names, considering that (i) Respondent obtained commercial gain by using confusingly similar disputed domain names to Complainant's trademark; and, (ii) Respondent

was most likely aware of Complainant's rights in the trademark VALERO, considering specially Respondent's use of the websites under the disputed domain names, which aimed to create a likelihood of confusion within Internet users to create the façade of a legitimate investment platform linked to Complainant.

Lastly, the Panel finds it is relevant that Respondent (i) has provided the information of a privacy or proxy service to the Registrar when registering the disputed domain names ([WIPO Overview 3.0](#), section 4.4.6); and (ii) did not provide any evidence of good faith registration or use or otherwise participated in this dispute.

Based on the available record, the Panel finds 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 names <valera.wales> and <valero.wales> be transferred to Complainant.

/Gabriel F. Leonardos/

Gabriel F. Leonardos

Sole Panelist

Date: June 9, 2025