

## **ADMINISTRATIVE PANEL DECISION**

### **Chevron Corporation, Chevron Intellectual Property LLC v. Davis Rogers Case No. D2022-3638**

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

Complainants are Chevron Corporation and Chevron Intellectual Property LLC, United States of America (“United States” and “U.S”), represented by Demys Limited, United Kingdom.

Respondent is Davis Rogers, United States.

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

The disputed domain name <cihevron.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 September 30, 2022. On September 30, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 30, 2022, 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, Iceland) and contact information in the Complaint. The Center sent an email communication to Complainant on October 3, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amended Complaint. Complainant filed an amended Complaint on October 3, 2022.

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 October 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 24, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 25, 2022.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on November 8, 2022. 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 Chevron Corporation is a multinational energy and technology company that is primarily engaged in the oil and gas industry. It was founded in 1879 and is currently active in over 180 countries. Chevron Corporation operates brands including CHEVRON and TEXACO.

Complainant Chevron Intellectual Property LLC<sup>1</sup> is the owner of the CHEVRON trademark, which is the subject of registrations in the United States, the United Kingdom, Germany, and the European Union. Such registrations include e.g. U.S. Trademark Registration No. 364683, registered on February 14, 1939, and United Kingdom Registration No. 00000638572, registered on July 12, 1945.

The disputed domain name, <cihevron.com>, was registered on August 9, 2022, and resolves to a pay-per-click (“PPC”) advertising page containing third-party commercial advertising links. One of the advertising links is made up of Complainants’ TEXACO brand.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainants contend that the disputed domain name is confusingly similar to the CHEVRON mark in that it differs only by the addition of the letter “i.” Complainants maintain that the disputed domain name constitutes a typographical variant of the CHEVRON mark and that adding the single letter “i” does not dispel any confusing similarity.

Complainants assert that Respondent has no rights or legitimate interests in the disputed domain name. They found no evidence that Respondent Davis Rogers has been commonly known by the disputed domain name and indicate that Respondent is not a licensee of Complainants and has not received permission or consent from Complainants to use their mark.

Complainants further argue that Respondent is not making a legitimate noncommercial use of the disputed domain name. They point out that the disputed domain name displays PPC advertising.

With respect to the issue of “bad faith” registration and use, Complainants assert that, given that CHEVRON is a well-known mark, “it is inconceivable that the Respondent did not have the Complainants firmly in mind when it registered the disputed domain name.” In further support of their claim of “bad faith” registration and use, Complainants rely on: (1) Respondent’s use of a typographical variant of the CHEVRON mark, (2) Respondent’s use of PPC advertising, (3) the fact that the disputed domain name is configured with MX records and is, therefore, capable of email communication, and (4) Respondent’s use of a privacy service and incorrect contact details.

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<sup>1</sup> The Panel finds that the Complaint, insofar as it names multiple complainants, is proper. The evidence indicates that Complainants have a specific common grievance against Respondent in that the disputed domain name allegedly takes unfair advantage of Chevron Corp.’s CHEVRON brand and is confusingly similar to Chevron Intellectual Property LLC’s registered rights. See WIPO Jurisprudential Overview 3.0 ([WIPO Overview 3.0](#)) ¶4.11.1.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Panel finds that the disputed domain name <cihevron.com>, is confusingly similar to the CHEVRON trademark. As Complainants point out, the disputed domain name consists of a typographical variant of the CHEVRON mark adding only the letter "i" to the mark. The CHEVRON mark clearly remains recognizable within the disputed domain name. See *Minerva S.A. v. Noah*, WIPO Case No. [D2018-2188](#) (domain name <miinervafoods.com> found confusingly similar to MINERVA trademark). See section 1.9, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Panel further determines that Complainants have rights in the CHEVRON mark. The evidence indicates that Complainant Chevron Intellectual Property LLC owns trademark registrations for the CHEVRON mark in several jurisdictions. Such registrations include U.S. Trademark Registration No. 0364683, which issued in 1939, and United Kingdom Registration No. 00000638572, which issued in 1945. The record also indicates that Complainant Chevron Corp. operates under the CHEVRON brand.

### **B. Rights or Legitimate Interests**

The Panel concludes that Complainants have sustained their burden of proof in establishing that Respondent has no rights or legitimate interests in the disputed domain name. There is no evidence that Respondent is licensed or otherwise authorized to use the CHEVRON mark. There is also no evidence that Respondent owns any trademarks incorporating the terms "chevron" or "cihevron" or that Respondent has ever traded legitimately under the names "chevron" or "cihevron".

The Panel also finds that Respondent is not making a legitimate noncommercial use of the disputed domain name. The evidence supports Complainants' assertion that the disputed domain name reverts to a website that displays PPC advertising links, including a link to Texaco. Given the longstanding use of the distinctive CHEVRON mark, the Panel concludes that Respondent's PPC advertising links constitutes an intent to trade off the CHEVRON trademark. The use of PPC links do not support Respondent's rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.9.

### **C. Registered and Used in Bad Faith**

The Panel determines that the disputed domain name was registered and is being used in bad faith. As Complainants argue, it is "inconceivable" that Respondent did not have Complainants and the CHEVRON mark in mind when it registered the disputed domain name. Respondent's use of a typographical variant of Complainants' mark and the use of PPC advertising links all support a finding of bad faith registration and use. See [WIPO Overview 3.0](#), sections 3.2.1 and 3.5.

The file also indicates that the disputed domain name is configured with MX records and is, therefore, capable of email communication. Thus, given the fact that the disputed domain name is confusingly similar to the CHEVRON mark, anyone receiving an email originating from the disputed domain name would reasonably assume that it was sent by Complainants. Respondent's action in this regard further supports a finding of the requisite "bad faith." See *Chevron Corp. and Chevron Intellectual Property LLC v. Privacy Service Provided by Withheld for Privacy ehf/gabriel levy*, WIPO Case No. [D2022-2616](#); [WIPO Overview 3.0](#), section 3.1.4.

The evidence also indicates that Respondent's contact details include an address that does not exist. This further supports a finding of bad faith registration and use.

Finally, the Panel finds that this case falls squarely within the parameters of paragraph 4(b)(iv) of the Policy; that is, that Respondent, by using the disputed domain name, intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainants' CHEVRON mark as to the source, sponsorship, affiliation, or endorsement of such site or the products or services found at such site.

## **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 <cihevron.com> be transferred to Complainant Chevron Intellectual Property LLC.

*/Jeffrey M. Samuels/*

**Jeffrey M. Samuels**

Sole Panelist

Date: November 22, 2022