

ADMINISTRATIVE PANEL DECISION

Socar Shipping Agencies SRL v. Ademola Ogunlana
Case No. D2022-4864

1. The Parties

The Complainant is Socar Shipping Agencies SRL, Belgium, represented by LawellMcMiller, Belgium.

The Respondent is Ademola Ogunlana, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <socarshipping-agencies.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 19, 2022. On December 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 20, 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 (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 21, 2022, 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 amended Complaint on December 23, 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 the Respondent of the Complaint, and the proceedings commenced on December 29, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 18, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 19, 2023.

The Center appointed Andrea Mondini as the sole panelist in this matter on January 25, 2023. 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 company registered under Belgian law, which provides shipping services.

The Complainant owns, among others, a European Union Trade Mark registration for the trademark SOCAR SHIPPING AGENCIES (Registration No. 018438187 registered on July 21, 2021).

The Complainant also holds the domain name <socar.be>.

The disputed domain name was registered on May 25, 2022.

The disputed domain name resolved to a website displaying the Complainant's trademark and address and offering the same services as the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends as follows:

The disputed domain name is identical to the SOCAR SHIPPING AGENCIES trademark in which the Complainant has rights.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name, has not been authorized by the Complainant to use this trademark, and has used the disputed domain name to impersonate the Complainant to defraud third parties.

The disputed domain name was registered and is being used in bad faith by posting a website impersonating the Complainant and purporting to offer the Complainant's services: several victims of the fraud have already contacted the Complainant complaining that their shipping never arrived to destination. The Complainant also filed a complaint with the Belgian police authorities in this respect.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

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

A. Identical or Confusingly Similar

The Panel is satisfied that the Complainant owns a trademark registration for its SOCAR SHIPPING AGENCIES trademark.

The Panel notes that the disputed domain name incorporates the SOCAR SHIPPING AGENCIES trademark in identical form, with a hyphen. The addition of the Top-Level Domain “.com” in the disputed domain names is a standard registration requirement and as such is disregarded under the confusing similarity test under Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.

For these reasons, the Panel concludes that the disputed domain name is identical to the Complainant’s mark SOCAR SHIPPING AGENCIES.

The first element of paragraph 4(a) of the Policy has been met.

B. Rights or Legitimate Interests

The Complainant states it has not authorized the Respondent to use the trademark SOCAR SHIPPING AGENCIES and that the Respondent used the disputed domain name to defraud third parties. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The second element of paragraph 4(a) of the Policy has been met.

C. Registered and Used in Bad Faith

The Complainant has shown that the Respondent posted a website under the disputed domain name using the Complainant’s trademark and indicating the Complainant’s address, fake employees, and a list of fake business partners. The Complainant has also provided a copy of a police transcript of the complaint it submitted with the Belgian police describing how the third parties have been misled and defrauded by the website posted under the disputed domain name.

The Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion as to the source, sponsorship or affiliation of its website in the sense of paragraph 4(b) (iv) of the Policy.

The Panel thus finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy has been met.

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, <socarshipping-agencies.com>, be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: February 8, 2023