

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc. v. Anthony Okafor
Case No. D2023-0027

1. The Parties

The Complainant is Halliburton Energy Services, Inc., United States of America, represented by Polsinelli PC Law firm, United States of America.

The Respondent is Anthony Okafor, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <halliburtonoil.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 4, 2023. On January 4, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 4, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 January 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 8, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 14, 2023.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on February 28, 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, founded in 1919, is a provider of products and services in the energy industry. The Complainant owns a number of trademark registrations for HALLIBURTON such as United States of America registration No. 2,575,819, registered on June 4, 2002, and United States of America registration No. 2,575,840, registered on June 4, 2002.

The disputed domain name was registered on August 26, 2022, and resolves to a parked website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The trademark HALLIBURTON is well-known and is registered by the Complainant around the world. The disputed domain name contains a slight variation of the Complainant's trademark. The addition of the term "oil" does not eliminate confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The disputed domain name is not used in connection with a *bona fide* offering of goods or services nor constitutes a legitimate noncommercial fair use. The Respondent has not been commonly known by the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. Passive holding as is the case here may indicate bad faith under certain circumstances. The Respondent must have been aware of the Complainant's trademark and deliberately chose it in order to profit from its reputation and confuse Internet users by creating an impression of association with the Complainant.

The Complainant additionally alleges that the Respondent used the disputed domain name for a fraudulent email scheme by impersonating an employee of the Complainant. The Complainant produces evidence of a fraudulent email sent on August 29, 2022, less than a week after the disputed domain name was registered.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns trademark registrations for the trademark HALLIBURTON. The Panel is satisfied that the Complainant has established its ownership of the trademark HALLIBURTON. The disputed domain name incorporates the Complainant's trademark HALLIBURTON in its entirety. The addition of the term "oil" does not eliminate confusing similarity. The generic Top-Level Domain ".com" is generally ignored when assessing confusing similarity.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

A complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant asserts that the Respondent does not have rights or legitimate interests in the disputed domain name. Therefore, the Complainant has established a *prima facie* case and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

The absence of a response by the Respondent allows the Panel to draw inferences, and under the circumstances, the absence of a response leaves the Complainant's *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name unrebutted.

Further, prior UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation (see section 2.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Respondent must have been aware of the Complainant's trademark as it is well-known. The use of the term "oil" is a further indication of such knowledge as it relates to the Complainant's field of activity. The disputed domain name resolves to a parked website, which constitutes passive holding. The Panel also notes the fraudulent email scheme set up by the Respondent less than a week after the disputed domain name was registered. Noting the Respondent's failure to provide any good-faith explanation for its registration and use of the disputed domain name, the knowledge by the Respondent of the Complainant's trademark, and the absence of a plausible use of the disputed domain name that would be legitimate (*Johnson & Johnson v. Daniel Wistbacka*, WIPO Case No. [D2017-0709](#)), the Panel finds that the use of the disputed domain name in these circumstances does not prevent the Panel's bad faith finding.

Further, prior UDRP panels have recognized that the mere registration of a domain name that is identical to a famous or widely-known trademark by an unaffiliated entity can itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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, <halliburtonoil.com>, be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: March 1, 2023