

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. Sarah Vestal, Sarah Vestal Beauty and Aesthetics
Case No. D2024-4826

1. The Parties

The Complainant is Equinor ASA, Norway, represented by Rouse AB (Valea AB trading as Rouse AB), Sweden.

The Respondent is Sarah Vestal, Sarah Vestal Beauty and Aesthetics, United States of America.

2. The Domain Name and Registrar

The disputed domain name <energyequinor.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 November 22, 2024. On November 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 22, 2024, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 25, 2024, 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 amendment to the Complaint on November 25, 2024.

The Center verified that the Complaint together with the amendment to 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 November 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 18, 2024.

The Center appointed Moonchul Chang as the sole panelist in this matter on December 27, 2024. 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 Equinor ASA which was established in Norway. It was formerly known as Statoil and was founded as the Norwegian State Oil Company in 1972 and later changed its name to Equinor in 2018. The Complainant is an international energy company with operations in more than 30 countries developing oil, gas, wind, and solar energy.

The Complainant is the owner of EQUINOR trademarks in a number of jurisdictions, including among followings:

- Norwegian Reg. No. 298811 for EQUINOR (registered June 12, 2018)
- International Reg. No. 1,444,675 for EQUINOR (registered July 4, 2018)
- United States of America Reg. No. 6,436,681 for EQUINOR (registered August 3, 2021).

In addition, the Complainant is the owner of more than 100 domain name registrations throughout the world containing the EQUINOR mark distributed among generic Top-Level Domains ("gTLDs") and country code Top-Level Domains ("ccTLDs").

The Disputed Domain Name was created on November 16, 2024, and resolves to a website containing pay-per-click ("PPC") links.

5. Parties' Contentions

A. Complainant

The Complainant contends that: (a) the disputed domain name is confusingly similar to its trademark EQUINOR as it entirely incorporates its trademark and that the addition of the term "energy" does not prevent a finding of confusing similarity; (b) the Respondent has no rights or legitimate interests in the disputed domain name as it is not known under that name, is not related in any way to the Complainant, and has never been authorized or licensed by the latter to use the trademark EQUINOR; and (c) the disputed domain name was registered and is being used in bad faith. The Respondent was obviously aware of the Complainant's trademark, given the long use of EQUINOR and trademark registrations predating the registration of the disputed domain name. The disputed domain name displays a PPC website with third party links related to the Complainant's field of business and the Respondent attempts to profit from the PPC links. Further, the Respondent's use of privacy or proxy service which is known to block or intentionally delay disclosure of the identity of the actual registrant is considered as an indication of bad faith.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainants must demonstrate that the three elements enumerated in paragraph 4(a) of the Policy have been satisfied. These elements are that: (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark or service mark; and (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 disputed domain name includes the Complainant's trademark EQUINOR in its entirety together with addition of the term "energy". Where the Complainant owns registered trademarks, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. (Section 1.2.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"). It is also well accepted that the first element functions primarily as a standing requirement. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. (Section 1.7 of [WIPO Overview 3.0](#)). Adding the term "energy" does not prevent a finding of confusing similarity. (Section 1.8 of [WIPO Overview 3.0](#)). In addition, the gTLD ".com" is disregarded under the confusing similarity test. (Section 1.11.1 of [WIPO Overview 3.0](#)).

Accordingly, the Panel finds that the first element under paragraph 4(a) of the Policy has been met by the Complainant.

The 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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "energy" 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 the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the overall burden of proof is on the Complainant. However, once the Complainant presents a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, the burden of production shifts to the Respondent. (Section 2.1 of [WIPO Overview 3.0](#)). First, the Complainant contends that it has not authorized the Respondent to use the trademark EQUINOR or to register any domain names incorporating it. Nonetheless, the composition of the disputed domain name carries a risk of implying that it is affiliated with EQUINOR.

Secondly, the Respondent has no rights or legitimate interests in the EQUINOR mark and the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Respondent has just used the disputed domain name by resolving to a website containing PPC links that compete with the Complainant's mark through which the Respondent presumably derives click-through revenue.

Thirdly, there is no evidence to suggest that the Respondent has been commonly known by the disputed domain name. In the consideration of the above circumstances the Panel finds that the Complainant has made out a prima facie case and the Respondent failed to come forward with any appropriate evidence that might rebut the Complainant's prima facie case.

Accordingly, the Panel concludes that the Complainant has satisfied the second element under paragraph 4(a) of the Policy in the present case.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires that the disputed domain name "has been registered and is being used in bad faith". Thus, for the Complaint to succeed, a UDRP panel must be satisfied that a domain name has been registered and is being used in bad faith. These requirements are conjunctive; each must be proven or the Complaint fails. In addition, paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith (Section 3.2.1 of [WIPO Overview 3.0](#)).

First, the Complainant obtained the registration of EQUINOR trademark earlier than the Respondent registered the disputed domain name. Having considered that the Complainant's trademark EQUINOR is well-known and the composition of the disputed domain name, it is clear that the Respondent has been aware of the reputation of the EQUINOR mark when registering a confusingly similar domain name that incorporates the Complainant's mark plus the term "energy". Thus, the Panel considers bad faith registration that the Respondent deliberately chose the disputed domain name to create a likelihood of confusion with the Complainant's trademark so as to create a false association or affiliation with the Complainant.

Secondly, the disputed domain name resolves to a website containing PPC links that compete with or capitalize on the reputation and goodwill of the Complainant's mark. The Panel finds that by using the disputed domain name, the Complainant has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. Such registration and use of the disputed domain name constitutes bad faith under the paragraph 4(b)(iv) of the Policy.

Thirdly, the Respondent's contact information is not publicly available as it is redacted for privacy. The Panel considers the use of privacy or proxy service which is known to block or intentionally delay disclosure of the identity of the actual registrant as a factor further supporting Panel's finding of bad faith ("Section 3.6 of [WIPO Overview 3.0](#)").

Accordingly, the Panel finds that the 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 <energyequinor.com> be transferred to the Complainant.

/Moonchul Chang /

Moonchul Chang

Sole Panelist

Date: January 10, 2025