

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc. v. Linus Bradd
Case No. D2024-5031

1. The Parties

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

The Respondent is Linus Bradd, United States.

2. The Domain Name and Registrar

The disputed domain name <halillburton.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 5, 2024. On December 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 9, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Domain Admin, Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 Complaint on December 9, 2024.

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 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 2, 2025.

The Center appointed Steven Auvil as the sole panelist in this matter on January 8, 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

According to the Complaint, the Complainant is one of the world's largest providers of products and services for the energy industry. Founded in 1919, the Complainant has continually used the HALLIBURTON mark in commerce for more than 80 years and conducts business in more than 60 countries worldwide. The Complainant owns two United States trademark registrations for the HALLIBURTON brand, registration Nos. 2575819 and 2575840, both registered on June 4, 2002. The Complainant also owns and uses the domain name <halliburton.com>.

The disputed domain name was registered on October 12, 2024. According to the Complaint, the disputed domain name has been used to in an email address to target the Complainant's customers in a fraudulent email and phishing scheme where the Respondent attempts to receive financial information and payments. Currently the disputed domain name resolves to the Registrar's parking page.

5. Parties' Contentions

A. Complainant

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

The Complainant first contends that the disputed domain name is confusing similar to the HALLIBURTON mark. While the disputed domain name is not spelled exactly the same way (the letters "l" and "i" in the HALLIBURTON mark are switched in order and added an additional letter "l"), the Complainant contends that this does not mitigate the confusing similarity between the Complainant's HALLIBURTON mark and the disputed domain name.

The Complainant next alleges that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complaint, due to the disputed domain name's confusing similarity to the Complainant's well-known HALLIBURTON mark, it is evident that the Respondent acquired the disputed domain name for the sole purpose of exploiting the Complaint's rights, title, interest, and goodwill in the HALLIBURTON mark. The Complainant further alleges that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services and is not making a legitimate noncommercial or fair use of the disputed domain name. The Complainant further alleges that the Respondent is not commonly known by the disputed domain name.

The Complainant finally alleges that the Respondent is using the disputed domain name in bad faith. The Complainant contends that the Respondent is using the disputed domain name in connection with email communications with the Complainant's customers in a fraudulent email and phishing scheme.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following to obtain relief:

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

In view of the Respondent’s failure to submit a Response, the Panel is entitled to accept as true the allegations set forth in the Complaint (unless the evidence is clearly contradictory), and to derive reasonable inferences from the evidence presented. See *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#).

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the allegations and evidence contained in the Complaint and reasonable inferences drawn from the evidence presented.

A. Identical or Confusingly Similar

It is well accepted that the first element of the Policy functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The evidence submitted by the Complainant supports the conclusion that the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. The Complainant owns at least two registered trademarks for the HALLIBURTON brand. [WIPO Overview 3.0](#), section 1.2.1.

The evidence also supports the conclusion that the disputed domain name is confusingly similar to the Complainant’s HALLIBURTON mark. As set forth in [WIPO Overview 3.0](#), section 1.7, when the entirety of a mark is reproduced within the disputed domain name, or “at least a dominant feature of the relevant mark is recognizable in the domain name”, the disputed domain name is deemed confusingly similar to the mark for the purposes of the Policy. Further, a “domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar.” [WIPO Overview 3.0](#), section 1.9.

Here, the disputed domain name includes the entirety of the Complainant’s HALLIBURTON mark with the exception of switching the order of the “l” and “i” in HALLIBURTON and adding an additional letter “l”. Considering this and other circumstances in the Complaint and the amended Complaint (including the un rebutted evidence of bad faith), the Panel finds that the misspelling was obvious and/or intentional on the part of the Respondent and therefore they do not prevent a finding of confusing similarity. *Muitas Ltd v. Domain Administrator, Sugarcane Internet Nigeria Limited and Milen Radumilo*, WIPO Case No. [D2022-4978](#).

Additionally, as set forth in section 1.11.1 of [WIPO Overview 3.0](#), the applicable generic Top-Level Domain (“gTLD”) (e.g., “.com”, “.site”, “.info”, “.shop”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. As such, the use of “.com” gTLD in the disputed domain name has no bearing on the confusing similarity analysis.

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 the Respondent may demonstrate rights or legitimate interests in a disputed domain name. Such circumstances include:

- (i) before any notice of the dispute, the respondent used, or prepared to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services;
- (ii) the respondent (as an individual, business, or other organization) is commonly known by the disputed domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.
[WIPO Overview 3.0](#), section 2.1.

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.” As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests in a disputed domain name, 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 evidence, the complainant is deemed to have satisfied the second element.
[WIPO Overview 3.0](#), section 2.1.

Having reviewed the evidence and arguments of record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant submits, and the Respondent has not rebutted the Complainant’s submissions, that the Respondent is using the disputed domain name in an attempt to pass itself off or impersonate the Complainant. Panels have held that the use of a domain name for illegitimate activity, such as impersonation/passing off, can never confer rights or legitimate interests on a respondent.
[WIPO Overview 3.0](#), section 2.13.1. The Panel further notes that the website at the disputed domain name is currently directing to the Registrar’s website. Such use does not constitute bona fide use of the disputed domain name.

The Respondent has not attempted to rebut the Complainant’s prima facie showing; in fact, the Respondent has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. Nor is there evidence of record that the Complainant licensed or otherwise authorized the Respondent’s use of HALLIBURTON mark or any variant thereof as a domain name, or that the Respondent has any affiliation, association, sponsorship, or connection with the Complainant.

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 non-exclusive circumstances that, if found by the Panel to be present, is evidence of the registration and use of a domain name in bad faith. Such circumstances include, among others, where “the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor,” and where “by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion

with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location." [WIPO Overview 3.0](#), section 3.1.

Additionally, section 3.2.1 of the [WIPO Overview 3.0](#) provides that "[p]articular circumstances panels may take into account in assessing whether the respondent's registration of a domain name is in bad faith include: (i) the nature of the domain name (e.g., a typo of a widely-known mark, or a domain name incorporating the complainant's mark plus an additional term such as a descriptive or geographic term, or one that corresponds to the complainant's area of activity or natural zone of expansion); [...] (vi) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name, or (viii) other indicia generally suggesting that the respondent had somehow targeted the complainant."

In the present case, the Panel concludes that the Respondent registered and is using the disputed domain name in bad faith. The disputed domain name incorporates the entirety of the Complainant's registered and well-known HALLIBURTON mark with minor relative differences. Noting the typosquatting, the Panel finds that the Respondent has engaged in using the disputed domain name to impersonate the Complainant. Moreover, the use of the disputed domain name to resolve to the Registrar's parking page does not prevent a finding of bad faith in the circumstances of this case.

Considering the forgoing and other circumstances, including the failure of the Respondent to respond to the Complaint, the Panel finds that the Respondent knew of the Complainant's HALLIBURTON mark at the time of registering the disputed domain name and endeavored to unfairly capitalize on the mark for commercial gain. The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith.

The Panel therefore 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 <halillburton.com> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: January 22, 2025