

ADMINISTRATIVE PANEL DECISION

Energy Transfer, ET C&D Holdco LLC f/k/a SemGroup Corporation v. Andrey Sokolov, Productions and storage
Case No. D2024-5043

1. The Parties

Complainants are Energy Transfer, United States of America ("United States"), and ET C&D Holdco LLC f/k/a SemGroup Corporation, United States, represented by Sheppard, Mullin, Richter & Hampton, LLP, United States.

Respondent is Andrey Sokolov, Productions and storage, United States.

2. The Domain Name and Registrar

The disputed domain name <hfotcollc.com> (hereinafter "Disputed Domain Name") is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 6, 2024. On December 9, 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 which differed from the named Respondent (Domain Proxy d/b/a Houston Fuel Oil Terminal) and contact information in the Complaint. The Center sent an email communication to Complainant on December 10, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on December 12, 2024.

On January 6, 2025, the Center requested Complainant to further amend the Complaint. Complainant filed an amended Complaint on January 9, 2025.

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

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on February 5, 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.

Consolidation of Multiple Complainants

Because Complainants Energy Transfer and its subsidiary ET C&D Holdco LLC (formerly known as SemGroup) have a common legal interest and common grievance against Respondent, the Panel finds that it will be equitable and procedurally efficient to consolidate their claims in this proceeding. [WIPO Overview 3.0](#), section 4.11.1. See also *Meta Platforms, Inc. and Meta Platforms Technologies, LLC v. Florian Suschetz*, WIPO Case No. [D2023-4489](#).

The Panel will refer to the two co-Complainants as "Complainant" for the remainder of this decision.

4. Factual Background

Complainant owns and operates a network of pipelines, processing plants, refinery-connected storage facilities, and deepwater marine terminals with import and export capabilities, many of which are in the Houston Ship Channel.

Complainant uses HFOTCO as a trademark (hereinafter the "Mark") and tradename to refer to the Houston Fuel Oil Terminal Company, which it owns and operates. Complainant's facility has capacity to store millions of barrels of crude oil and has multiple deep water and barge docks.

Complainant owns United States Trademark Registration No. 5,583,926 (Registered October 16, 2018) for:



Complainant also uses HFOTCO as a trademark alone without including any logo design elements.

Complainant owns the domain name <semgroupcorp.com>, where it publishes information about its HFOTCO services.

The Disputed Domain Name was registered June 13, 2023. As explained more fully below, the webpage associated with the Disputed Domain Name falsely purports to a website affiliated with Complainant's HFOTCO business.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, Complainant offers evidence that Respondent is fraudulently impersonating Complainant. Complainant offers evidence that on the webpage associated with the Disputed Domain Name, Respondent:

- Displays the Mark prominently;
- Lists Complainant's physical address as Respondent's address in the "Contact Us" section, followed by telephone numbers with country codes for China and Singapore;
- Describes and purports to offer the same suite of services as Complainant;
- Displays service descriptions copied from Complainant's website;
- Displays images of a fake management team comprised of photos of third parties and fake names to perpetrate its fraud. Complainant offers evidence that the photographs of people displayed in the "management team" section were copied from the websites of various unrelated third-party organizations and then given fake names on the Disputed Domain Name.

B. Respondent

Respondent did not respond to the Complaint.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between 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.

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 Panel finds that the Mark is recognizable within the Disputed Domain Name. The acronym "HFOTCO" is the largest and dominant portion of the trademark as registered. Although Complainant's Trademark Registration contains design elements that would be incapable of representation in a domain name, "these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element. [...] On this basis, trademark registrations with design elements would prima facie satisfy the requirement that the complainant show 'rights in a mark' for further assessment as to confusing similarity." [WIPO Overview 3.0](#), section 1.10.

The Disputed Domain Name also includes "LLC", but this additional element 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.

Accordingly, the Disputed Domain Name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

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", requiring information that is often primarily within the knowledge or control of the

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

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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.

Panels have held that the use of a domain name fraudulently to impersonate Complainant can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel finds that Respondent registered the Disputed Domain Name in bad faith. The evidence is clear that Respondent targeted Complainant, going so far as to list Complainant's physical address as its own. The Panel therefore finds that Respondent was aware of and targeted Complainant and its rights when he registered the Disputed Domain Name.

The Panel also finds that Respondent is intentionally using the Disputed Domain Name in bad faith to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant's mark. This is bad faith use under Policy paragraph 4(b)(iv).

Panels have held that the use of a domain name to impersonate Complainant constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds that Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that 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 <hfotcollc.com> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: February 19, 2025