

ADMINISTRATIVE PANEL DECISION

Equinor ASA v. JUDY S MUNDEN, JNR

Case No. D2025-0312

1. The Parties

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

The Respondent is JUDY S MUNDEN, JNR, United States of America.

2. The Domain Name and Registrar

The disputed domain name <equinoroilandgas.xyz> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 27, 2025. On January 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 27, 2025, 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) and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 28, 2025, 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 January 29, 2025.

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 January 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 19, 2025.

The Center appointed James Bridgeman SC as the sole panelist in this matter on February 21, 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

The Complainant is an energy company and owns an international portfolio of registered trademarks including:

- European Union Trade Mark EQUINOR, registration number 017900772, registered on January 18, 2019 for goods and services in classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41 and 42.

The Complainant has an established Internet presence, it owns a large portfolio of Internet domain names incorporating its EQUINOR mark and maintains its principal website at “www.equinor.com”.

The disputed domain name was registered on January 19, 2025, and while it is inactive, resolving to the Registrar's parking page, the Respondent has used the disputed domain name to create an MX record.

There is no information available about the Respondent except for that provided in the Complaint, as amended, the Registrar's Whois and the information provided by the Registrar in response to the request by the Center for details of the registration of the disputed domain name for the purposes of this proceeding.

5. Parties' Contentions

A. Complainant

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

The Complainant submits that it is a broad international energy company with operations in more than 30 countries around the world developing oil, gas, wind and solar energy.

Formerly known as Statoil ASA, the Complainant has grown with the Norwegian oil and gas industry dating back to the late 1960s. It was founded as The Norwegian State Oil Company (Statoil) in 1972, and the Norwegian State holds 67% of the shares.

Due to changes in the energy sector, it was decided to change the Complainant's name to Equinor. The change of name was announced on March 15, 2018. The announcement was shared and commented upon worldwide on different media platforms, and in the Complaint the Complainant has provided links to sample newspaper articles about the rebranding.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the EQUINOR trademark in which the Complainant has rights because the mark is recognizable.

Noting that the disputed domain name additionally contains the words “gas”, “and” and “oil”, the Complainant nevertheless contends that the word “equinor” is the most distinctive element in the disputed domain name and argues that the additional words do not prevent a finding of confusingly similarity.

Furthermore the Complainant argues that the generic Top-Level Domain (“gTLD”) extension “.xyz” in the disputed domain name is not sufficient to prevent the confusing similarity. As stated in section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”),

"[t]he applicable Top Level Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test."

The Complainant next alleges that the Respondent has no rights to or legitimate interests in respect of the disputed domain name based on the Complainant's prior use of the EQUINOR trademark and company name and further submits that:

- the Respondent is not affiliated or related to the Complainant in any way;
- the Respondent is not licensed or otherwise authorized to use the EQUINOR mark in connection with a website, a domain name or for any other purpose;
- the Respondent is not using the disputed domain name in connection with any legitimate non-commercial or fair use without intent for commercial gain, is not generally known by the disputed domain name and has not acquired any trademark or service mark rights in that name or mark;
- the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services.

The Complainant next alleges that the disputed domain name was registered and is being used in bad faith, arguing that it is apparent from the composition of the disputed domain name that the Respondent was fully aware of the fact that the disputed domain name incorporated the Complainant's well-recognized and distinctive trademark in which the Respondent had absolutely no prior rights.

Additionally, the Complainant submits that previous panels established under the Policy have found that the EQUINOR trademark is well-known and distinctive. See *Equinor ASA v. Danielle Torres*, WIPO Case No. [D2022-4889](#) ("The Panel finds that the disputed domain name is confusingly similar to the Complainant's EQUINOR mark, a distinctive and well-known mark in which the Complainant has established rights through registration and considerable use.")

The Complainant adds that the registration of the disputed domain name was made on January 19, 2025, six years after the Complainant announced its name change in March 2018.

Furthermore, the Complainant refers to a screen capture of the website to which the disputed domain name resolves, which is exhibited in an annex to the Complaint. The exhibited screen capture shows that the disputed domain name resolves to a parking site maintained by the Registrar.

The Complainant argues that according to section 3.3 in the [WIPO Overview 3.0](#):

- "From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or 'coming soon' page) would not prevent a finding of bad faith under the doctrine of passive holding.
- While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include:
 - (i) the degree of distinctiveness or reputation of the complainant's mark,
 - (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use,
 - (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and
 - (iv) the implausibility of any good faith use to which the domain name may be put."

Furthermore, the Complainant submits that the Respondent's contact information is not publicly available and referring to section 3.6 of the [WIPO Overview 3.0](#), argues that use of a privacy or proxy service which is known to block or intentionally delay disclosure of the identity of the actual registrant is often considered as an indication of bad faith.

The Complainant adds that due to the aforementioned, it is clear that the Respondent has intentionally attempted to attract Internet traffic, for commercial gain by creating a likelihood of confusion with the Complainant's mark EQUINOR.

Finally, referring to a screen capture annexed to the Complaint, the Complainant adds that the exhibit shows that MX records have been activated for the disputed domain name, as shown in, and submits that a recipient of a potential email sent from <@equinoroilandgas.xyz> is likely to assume that the email has been sent in connection to the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name consists of the Complainant's EQUINOR mark with an extra "i", in combination with the descriptive and conjunctive elements "gas", "and" and "oil", and the gTLD extension ".xyz".

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 EQUINOR mark is recognizable 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, "gas", "and" and "oil" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

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.

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.

The Complainant has made out an uncontested *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, as set out above.

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.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Complainant has adduced uncontested evidence that it owns and uses the EQUINOR mark since at least January 18, 2019, when its above-mentioned European Union Trade Mark was registered, whereas the confusingly similar disputed domain name was not created until January 19, 2025.

The Complainant has adduced evidence to show that the goods and services it provides under the EQUINOR mark has global reach and that it has transferred the pre-existing goodwill in the STATOIL mark to its rebranded business.

Relevantly the disputed domain name is composed of the descriptive elements "gas" and "oil" together with the conjunction "and". By choosing the combination of the Complainant's mark and elements describing the Complainant's energy business i.e., oil and gas, the registrant of the disputed domain name, on the balance of probabilities intended that the composition of the disputed domain name would infer a reference to the Complainant and its energy business.

This Panel finds therefore that on the balance of probabilities, the disputed domain name was chosen and registered in bad faith to target and take predatory advantage of the Complainant's mark and its goodwill in the EQUINOR mark.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

In this proceeding, the evidence shows that the disputed domain name is inactive and resolves to the Registrar's parking page.

Having reviewed the available record, the Panel notes that the Complainant's mark is distinctive; the Respondent failed to submit a response or to provide any evidence of actual or contemplated good faith use; the Respondent's concealed its identity; and it is implausible that the disputed domain name may be put to any good faith use of the disputed domain name by the Respondent.

The Complainant's EQUINOR mark has an established goodwill and global reputation that pre-existed the creation of the disputed domain name; the disputed domain name is composed of a combination of the Complainant's EQUINOR mark with a typo together with descriptive elements that infer a connection with the Complainant's business; the disputed domain name was on the balance of probabilities created to target the Complainant's reputation and goodwill; this Panel finds that on the balance of probabilities the passive holding of the disputed domain name constitutes use of the disputed domain name in bad faith for the purposes of the Policy.

In making this finding this Panel notes with concern that notwithstanding that the Respondent does not maintain any website and has no rights or legitimate interests in the disputed domain name, nonetheless the Respondent has used the disputed domain name to create an MX Record. This indicates that the Respondent is actively engaged with the disputed domain name and might be planning to use the disputed domain name as an email address. In the circumstances of this case, taking such a step also constitutes bad faith for the purposes of the Policy.

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 <equiinoroilandgas.xyz> be transferred to the Complainant.

/James Bridgeman/

James Bridgeman

Sole Panelist

Date: March 7, 2025