

## **ADMINISTRATIVE PANEL DECISION**

Equinor ASA v. Andrea Kubik, Equinor USA Properties, Inc.  
Case No. D2025-0752

### **1. The Parties**

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

The Respondent is Andrea Kubik, Equinor USA Properties, Inc., United States of America ("United States").

### **2. The Domain Name and Registrar**

The disputed domain name <equinorusaproperties.com> is registered with CloudFlare, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 24, 2025. On February 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 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 February 26, 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 March 3, 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 March 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 28, 2025.

The Center appointed Luca Barbero as the sole panelist in this matter on April 4, 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 a Norwegian corporation, formerly known as Statoil ASA.

Founded in 1972 and controlled by the Norwegian Government, which owns 67% of the shares, the Complainant is a broad international energy company specializing in oil, gas, wind and solar energy and has operations in more than 30 countries around the world.

The Complainant decided to change its name from Statoil ASA to Equinor in 2018. The name change was decided to reflect the change in the Complainant's business, namely, the shifting of the focus from oil and gas to renewable energy sources such as wind and solar power, which was announced on March 15, 2018. The news was shared and commented worldwide on different media platforms.

The Complainant is the parent company of Equinor USA Properties Inc. and Equinor USA Onshore Properties Inc., located in the United States.

The Complainant is the owner of numerous trademark registrations for EQUINOR, including the following, as per trademark registration certificates submitted as annex F to the Complaint:

- European Union trademark registration No. 017900772 for EQUINOR (word mark), filed on May 15, 2018, and registered on January 18, 2019, in classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41 and 42;
- Norwegian trademark registration No. 298811 for EQUINOR (figurative mark), filed on March 14, 2018, and registered on July 1, 2010, in classes 4, 40 and 42;
- Norwegian trademark registration No. 298813 for EQUINOR (word mark), filed on March 14, 2018, and registered on July 1, 2010, in classes 4, 40 and 42;
- International trademark registration No. 1444675 for EQUINOR (word mark), registered on July 4, 2018, in classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41 and 42;
- United States trademark registration No. 6436681 for EQUINOR (word mark), filed on June 12, 2018, and registered on August 3, 2021, in international classes 1, 2, 4, 6, 7, 9, 16, 17, 19, 25, 28, 35, 36, 37, 39, 40, 41 and 42.

The Complainant is also the owner of numerous domain names, including: <equinor.com>, registered on June 15, 2011, <equinor.us> registered on February 9, 2018, and <equinorusa.com>, registered on March 15, 2018. The Complainant promotes its services in the energy sector under the trademark EQUINOR via the website "www.equinor.com".

The disputed domain name <equinorusaproperties.com> was registered on December 24, 2024, and resolves to a website promoting the services of a company named Equinor USA Properties, Inc., which according to the description displayed on the website specializes in offering business consultancy services in the United States, ranging from marketing strategy, technology solutions, legal advisory, financial advisory and human resources support. As highlighted by the evidence submitted by the Complainant – which has not been contested by the Respondent – the website includes in the "Testimonials" section images of people taken from third-party websites. Despite the fact that the Respondent's website appears to be designed to promote the above-referenced business consultancy services, the "Frequently Asked Questions" provides information on the nature, shipping and return policy of unspecified products, and in the "Terms and

Conditions” section it is stated: “We are a premier online retailer specializing in high-quality home decor products, furniture, and accessories to elevate your living spaces.”

The disputed domain name has MX records configured, meaning that it could be used for email communication purposes.

## **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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the trademark EQUINOR in which the Complainant has rights as it reproduces the trademark in its entirety with the mere addition of the words “usa”, “properties” and the generic Top-Level Domain (“gTLD”) “.com”.

The Complainant states that the Respondent has no rights or legitimate interests in respect of the disputed domain name, since: i) the Respondent is not affiliated or related to the Complainant in any way, and has not been licensed or otherwise authorized to use the EQUINOR mark in connection with a website, a domain name or for any other purpose; ii) the Respondent is not commonly known by the disputed domain name and has not acquired any trademark or service mark rights in the name “Equinor” or in the EQUINOR mark; iii) the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name; and iv) the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services.

With reference to the circumstances evidencing bad faith, the Complainant submits that the Respondent registered the disputed domain name having full knowledge of the Complainant’s trademark rights since: i) the EQUINOR mark long predates the registration of the disputed domain name; ii) the registration of the disputed domain name was made six years after the Complainant’s announced name change in March 2018; iii) the Respondent chose to register a domain name that contains the Complainant’s trademark EQUINOR in its entirety; and iv) the disputed domain name mentions the company Equinor USA Properties, Inc., which is named like the Complainant’s subsidiary Equinor USA Properties, Inc..

The Complainant further contends that the Respondent is using the Complainant’s registered mark EQUINOR, when referring to the company Equinor USA Properties Inc., creating the illusion that the Complainant offers business services in the United States focusing on marketing strategy, technology solutions, legal advisory, financial advisory and more. The Complainant also states that the information on the website is supported, with what the Complainant believes, are AI generated testimonials of individuals and that the images of people displayed therein have been associated with several other websites. The Complainant therefore concludes that, in view of the contents of the Respondent’s website and the name of the company Equinor USA Properties Inc. cited therein, the Respondent has intentionally attempted to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with the Complainant’s EQUINOR mark.

Lastly, the Complainant submits that MX records have been activated for the disputed domain name, and that a recipient of a potential email sent from email addresses based on the disputed domain name would be 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

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:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or 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.

### 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 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 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. Indeed, the Complainant has provided evidence of ownership of valid trademark registrations for EQUINOR.

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 such as “usa” and “properties” in this case, 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.

In addition, the gTLD “.com” can be disregarded under the first element confusing similarity test, being a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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.

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 notes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not an affiliate or licensee of the Complainant, nor has the Respondent otherwise obtained authorization to use the Complainant's trademarks.

According to the registrant information provided by the Registrar to the Center after the filing of the Complaint, the Respondent's name is Equinor USA Properties, Inc.. The same company name is mentioned on the website to which the disputed domain name resolves.

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name and that the Respondent has chosen such a company name to intentionally attract Internet users by creating confusion with the Complainant and its trademark.

The Respondent has not submitted a Response and, therefore, has not provided any explanations about the rationale of its selection and use of a domain name and company name encompassing the Complainant's trademark EQUINOR and identical to the name of the Complainant's subsidiary Equinor USA Properties, Inc.

The Panel notes that the mere indication of a company name corresponding to the disputed domain name without further evidence of a legitimate business cannot give rise to rights or legitimate interests.

[WIPO Overview 3.0](#), section 2.3.

The Panel has reviewed the documents submitted by the Complainant and the Respondent's website and notes that the latter does not appear to be genuinely used to promote a legitimate business, as the website includes inconsistent information and appears to have been created combining texts and images taken from different third-party websites. Whilst at the top of the website "www.equinorusaproperties.com" it is stated that the Respondent, identified as Equinor USA Properties, Inc., specializes in providing "innovative solutions that help businesses succeed in today's competitive market" and that its "industry expertise and cutting-edge technology allow us to empower businesses to thrive and reach their full potential", in the "Terms and Conditions" section it is stated the Respondent is "a premier online retailer specializing in high-quality home decor products, furniture, and accessories to elevate your living spaces". Moreover, as shown by the evidence provided by the Complainant, the images of alleged testimonials published on the website are apparently stock photos that have been published on several third-party websites.

Furthermore, based on the records, the Written Notice could not be served at the Respondent's physical address indicated in the Registrar-provided Whois information for the disputed domain name, which coincides with the one displayed on the website, as it turned out to be incorrect.

In addition, there is no element showing that the Respondent intended to genuinely use the disputed domain name to promote its business whilst avoiding or at least attempting to avoid – for example, by including a disclaimer of non-affiliation with the Complainant on its website - a likelihood of confusion with the Complainant's mark and services.

Therefore, the Panel finds that the registration and use of the disputed domain name is apt to cause confusion amongst Internet users as to the source or affiliation of the Respondent's website and, therefore, does not amount to a bona fide offering of goods or services or a legitimate non-commercial or fair use without intention to misleadingly divert the consumers or to tarnish the Complainant's trademarks.

Therefore, the Panel finds the second element of the Policy has also 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.

In the present case, the Panel finds that, considering i) the Complainant has been doing business in the energy sector since 1972, and has used the present company name since 2018, and ii) the term “equinor” is fanciful with no dictionary meaning, and iii) the Complainant operates also in the United States via local subsidiaries, including the company Equinor USA Properties, Inc., it is highly unlikely that the Respondent could have been unaware of the Complainant and its EQUINOR mark at the time of registration of the disputed domain name on December 24, 2024.

In view of the use of the disputed domain name to divert users to the website described above, featuring the name of the Complainant’s subsidiary Equinor USA Properties, Inc. and promoting alleged business consultancy services along with unrelated products (home decor and furniture) without displaying any disclaimer or non-affiliation with the Complainant, the Panel finds that, on balance of probabilities, the Respondent intentionally attempted to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with the trademark EQUINOR as to the source, sponsorship, affiliation or endorsement of its website according to paragraph 4(b)(iv) of the Policy.

Lastly, the Panel notes that the Respondent’s provision of an inaccurate address and its failure to submit a Response further support a finding of bad faith.

Therefore, the Panel finds that the Complainant has established the third element of the Policy as well.

### **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 <equinorusaproperties.com> be transferred to the Complainant.

*/Luca Barbero/*

**Luca Barbero**

Sole Panelist

Date: April 18, 2025