

## **ADMINISTRATIVE PANEL DECISION**

Civitas Resources, Inc. v. KIDIST DEMISSE TOLLA  
Case No. D2025-0896

### **1. The Parties**

The Complainant is Civitas Resources, Inc., United States of America, represented by Davis Graham & Stubbs LLP, United States of America (“US”).

The Respondent is KIDIST DEMISSE TOLLA, Poland.

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

The disputed domain name <civirersources.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 5, 2025. On March 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 5, 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 (Name Redacted, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 11, 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 the same day.

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 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 13, 2025.

The Center appointed Nick J. Gardner as the sole panelist in this matter on April 16, 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 US corporation, and is an oil and gas producer operating in Colorado, Texas, and New Mexico. It trades under the names CIVITAS and CIVITAS RESOURCES.

The Complainant through a wholly owned subsidiary owns US trademark registration 6,926,406, registered on December 13 2022, for the term CIVITAS. This trademark is referred to as the “CIVITAS trademark” in this decision.

The Disputed Domain Name was registered on February 12, 2025. There is no evidence that it has ever been used in any way.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant’s contentions can be summarized as follows.

The Disputed Domain Name is confusingly similar to the CIVITAS Trademark. It is also confusingly similar to the Complainant’s name – Civitas Resources. The Complainant says it has unregistered trademark rights in its name (see further below).

The Respondent has no rights or legitimate interests in the term “CIVITAS” or “CIVITAS RESOURCES”.

In consequence the Complainant alleges that the Disputed Domain Name was registered and is being used in bad faith. That the Disputed Domain Name was registered and is being used in bad faith is demonstrated by the fact that Respondent is not using the Disputed Domain Name to offer any bona fide goods or services in any field. Rather, it appears that the sole purpose of the Disputed Domain Name is to cause confusion with Civitas Resources customers. There is also a risk that the Disputed Domain Name could be used for email domain impersonation.

##### **B. Respondent**

No Response has been filed.

#### **6. Discussion and Findings**

##### **Preliminary Matters**

The Panel notes that no communication has been received from the Respondent. However, given the Complaint and Written Notice were sent to the relevant addresses disclosed by the Registrar, then the Panel considers that this satisfies the requirement in paragraph 2(a) of the UDRP Rules to “employ reasonably available means calculated to achieve actual notice”. Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent’s failure to file any Response. While the Respondent’s failure to file a Response does not automatically result in a decision in favour of the Complainant, the Panel may draw appropriate inferences from the Respondent’s default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

## **Substantive Matters**

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

(i) the Disputed Domain Name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name;

(iii) the Disputed Domain Name has been registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

The Complainant has rights in the CIVITAS trademark. The question of whether the Disputed Domain Name is confusingly similar to this trademark is less clear than the position in relation to the other trademark relied upon - the Complainant also says it has unregistered trademark rights in the term CIVITAS RESOURCES. The Complaint however provides very little evidence in support of this latter claim. In this regard see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.3 as to the type of evidence typically required. The Complaint does however refer to the Complainant's website (at "www.civitasresources.com"). That website does contain material which seems to the Panel to be a matter of public record. Specifically, it shows that the Complainant is listed on the New York Stock Exchange (under the listing abbreviation CIVI) and that its earnings for the 12 months to December 31, 2024, were USD 839 million. The website also shows that the Complainant does trade as CIVITAS RESOURCES. Given this material the Panel considers the Complainant has established that its name has acquired the distinctiveness necessary and amounts to a trademark in which it has rights. The Panel will refer to this trademark as the CIVITAS RESOURCES trademark. The Disputed Domain Name simply combines an abbreviation of the first part of the Complainant's name (which abbreviation corresponds to its Stock Exchange abbreviated name) and combines this with a typographical variation of the second part of its name. That second part is a term which could easily be misread as the RESOURCES part of the Complainant's trademark. The Panel agrees in this regard with the approach set out in section 1.9 of [WIPO Overview 3.0](#), namely:

"Is a domain name consisting of a misspelling of the complainant's trademark (i.e., typosquatting) confusingly similar to the complainant's mark?"

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element."

Overall, the Panel considers that Disputed Domain Name combines the abbreviation "CIVI" with a typographically altered version of the word "RESOURCES" and this results in a name confusingly similar to the CIVITAS RESOURCES trademark.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a domain name:

(i) before any notice to the respondent of the dispute, use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent has been commonly known by the 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.

None of these apply in the present circumstances. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use the CIVITAS or CIVITAS RESOURCES trademarks. The Complainant has prior rights in the CIVITAS and CIVITAS RESOURCES trademarks which precede the Respondent's acquisition of the Disputed Domain Name. The Complainant has therefore established a prima facie case that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name and thereby the burden of production shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the Disputed Domain Name (see, for example, *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The Panel finds that the Respondent has failed to produce any evidence to establish his rights or legitimate interests in the Disputed Domain Name. Accordingly the Panel finds the Respondent has no rights or any legitimate interests in the Disputed Domain Name and the second condition of paragraph 4(a) of the Policy has been fulfilled.

### **C. Registered and Used in Bad Faith**

On the evidence the Respondent has made no use of the Disputed Domain Name in the time it has owned it. In the circumstances of this case the Panel adopts the approach set out in the [WIPO Overview 3.0](#), at section 3.3 as follows:

“Can the ‘passive holding’ or non-use of a domain name support a finding of bad faith?”

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”.

Overall it does not generally matter that the respondent has not as yet used the disputed domain name. “Passive holding” may amount to bad faith registration and use where the holding involves a domain name deliberately chosen because of its association with the complainant. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), *Jupiters Limited v. Aaron Hall*, WIPO Case No. [D2000-0574](#), *Ladbroke Group Plc v. Sonoma International LDC*, WIPO Case No. [D2002-0131](#), *Westdev Limited v. Private Data*, WIPO Case No. [D2007-1903](#); *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#), *Intel Corporation v. The Pentium Group*, WIPO Case No. [D2009-0273](#), *Advance Magazine Publishers Inc. and Les Publications Conde Nast S.A. v. ChinaVogue.com* WIPO Case No. [D2005-0615](#). In the present case the Panel regards the name “Civitas Resources” as distinctive and there is no evidence that anyone else uses that name. Further the Panel notes the Respondent has not provided any explanation for any case of good faith it may have.

Accordingly, and applying the principles in the above noted UDRP decisions, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith. Accordingly, the third condition of paragraph 4(a) of the Policy has been fulfilled.

## 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 <civirersources.com> be transferred to the Complainant.

*/Nick J. Gardner/*

**Nick J. Gardner**

Sole Panelist

Date: April 30, 2025