

## **ADMINISTRATIVE PANEL DECISION**

Ovintiv Trademarks Inc. v. labo tee, capital  
Case No. D2025-1120

### **1. The Parties**

Complainant is Ovintiv Trademarks Inc., United States of America (“United States” or “U.S.”), represented by Gowling WLG (Canada) LLP, Canada.

Respondent is labo tee, capital, United States.

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

The disputed domain name <ovintivv.com> 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 18, 2025. On March 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 19, 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, Withheld for Privacy Purposes ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on March 20, 2025, 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 March 24, 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 Respondent of the Complaint, and the proceedings commenced on March 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 17, 2025.

The Center appointed Bradley A. Slutsky as the sole panelist in this matter on April 29, 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**

Complainant is a publicly traded oil and natural gas exploration and production company, trading on the New York Stock Exchange under the symbol OVV. Complainant was formed in January 2020, as part of the reorganization and name change of Encana Corp. Complainant generated over USD 10 billion in revenue in 2023, and over USD 30 billion between 2021 and 2023. Complainant owns and operates a website at “www.ovintiv.com”, and owns U.S. Trademark Registration Number 7,108,219 for OVINTIV (in relation to fuels, petroleum property management, oil well drilling services, petroleum production services, and the like), which was registered on July 11, 2023 and lists a date of first use of January 24, 2020 and a priority date of October 28, 2019. Complainant also owns Canadian Trademark Registration Number TNA1281899 for OVINTIV (in relation to fuels, retail sale of natural gas and oil, oil well drilling services, petroleum transportation, petroleum production services, and the like), which was registered on January 10, 2025 and filed on December 13, 2019 and also claims a priority date of October 28, 2019.

Respondent registered the disputed domain name on March 17, 2025, with an expiration date of March 17, 2026. The disputed domain name does not resolve to an active website, and has been used for sending fraudulent emails.

#### **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 contends that “Respondent has been masquerading as the Complainant and issuing email correspondence to unsuspecting clients of the Complainant seeking to bait them into presumably revealing sensitive financial information. The Respondent’s email address is intended to impersonate [the] email address [of] a Senior Logistics Specialist for the Complainant.” An example of one such email is included in the Complaint. Complainant further contends that the disputed domain name “constitutes a clear case of typosquatting as the Respondent has intentionally misspelled the OVINTIV trademark by adding the letter ‘v’ to the end”, in order to form the disputed domain name. Complainant thus asserts that “Respondent registered the disputed domain name in an attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant as to source or sponsorship. As well, the Respondent has engaged in typosquatting, which further serves to support a finding of bad faith as does using the [disputed domain name] as an instrument of fraud.”

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

Respondent did not reply to Complainant’s contentions.

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

Pursuant to paragraph 15(a) of the Rules, a panel in UDRP proceedings “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”.

Under paragraph 4(a) of the Policy, Complainant must prove the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) 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 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 entirety of the mark is reproduced within the disputed domain name. The disputed domain name consists of Complainant's OVINTIV mark, with a second "v" added at the end, and the ".com" generic Top-Level Domain. The addition of a second "v" at the end is an example of "typosquatting", as an Internet user could mistakenly type a double "v" at the end (or, in the case of an email, no notice that the double "v" at the end is incorrect), and thus believe they are dealing with Complainant rather than Respondent. See *Edmunds.com, Inc. v. Digi Real Estate Foundation*, WIPO Case No. [D2006-1043](#) ("This is clearly a 'typosquatting' case where the disputed domain name is a slight misspelling of a registered trademark to divert internet traffic. In fact, the <edmundss.com> domain name comprises the Complainant's trademark EDMUND's with a single misspelling of an element of the mark: a double consonant 's' at the end. Also, the disputed domain name is virtually identical to Complainant's domain name <edmunds.com>. As a result, this is an example of confusing similarity and/or virtual identity brought about through easily made typing errors made by an Internet user: rather than typing the word 's' to visit Complainant's website, an Internet user could easily type a double 's' and be diverted to a different website."). Accordingly, the disputed domain name is confusingly similar to Complainant's mark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.7 ("in cases where [...] a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing"); [WIPO Overview 3.0](#), section 1.9 ("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."); [WIPO Overview 3.0](#), section 1.11.1 ("[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.").

Accordingly, 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. "Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate [Respondent's] rights or legitimate interests to the domain name[s] for purposes of paragraph 4(a)(ii):

- (i) before any notice to [Respondent] of the dispute, [Respondent's] use of, or demonstrable preparations 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; or

(ii) [Respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [Respondent has] acquired no trademark or service mark rights; or

(iii) [Respondent is] making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue". Policy, paragraph 4(c)."

Although the overall burden of proof in UDRP proceedings is on 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 Respondent. As such, where a complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, 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.

The only demonstrated use of the disputed domain name in this matter is the impersonation of Complainant's Senior Logistics Specialist through an email that uses the name of the Senior Logistics Specialist and the disputed domain name. Respondent apparently hoped that recipients of such emails would transact with Respondent, believing Respondent to be Complainant. This is not a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name. There also is no evidence that Respondent has been commonly known by the disputed domain name, especially in light of the recent registration of the disputed domain name and the use of it – on the same day as the registration – to impersonate Complainant. The only evidence of any name by which Respondent is known is the name of the registrant – "labo teee" – or the registrant's organization – "capital". Further, Complainant asserts that "[t]here has never been any relationship between the Complainant and the Respondent. The Respondent is not licensed, or otherwise authorized, be it directly or indirectly, to register or use, the OVINTIV Trademarks in any manner whatsoever, including in, or as part of, a domain name." Respondent has not rebutted these allegations.

"Panels have categorically held that the use of a domain name for illegal activity (e.g., ... phishing, ... impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent." [WIPO Overview 3.0](#), section 2.13.1. Further, "the fact that Respondent is neither affiliated with Complainant nor authorized by Complainant to use Complainant's mark in the [disputed domain name] also indicates that Respondent's use is not bona fide or legitimate." *Moelis & Company v. Sophia, Sophia*, WIPO Case No. [D2024-2851](#).

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

(i) circumstances indicating that [Respondent has] registered or [Respondent has] acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to

Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of [Respondent's] documented out-of-pocket costs directly related to the domain name; or

(ii) [Respondent has] registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [Respondent has] engaged in a pattern of such conduct; or

(iii) [Respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, [Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [Respondent's] website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of [Respondent's] website or location or of a product or service on [Respondent's] website or location." Policy, paragraph 4(b).

"Given that the scenarios described in UDRP paragraph 4(b) are non-exclusive and merely illustrative, even where a complainant may not be able to demonstrate the literal or verbatim application of one of the above scenarios, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behavior detrimental to Complainant's trademark would also satisfy Complainant's burden."

[WIPO Overview 3.0](#), section 3.1.

In the present case, the Panel notes that the same day Respondent registered the disputed domain name, Respondent used the disputed domain name to send an email message seeking to impersonate Complainant's Senior Logistics Specialist. This indicates that Respondent registered the disputed domain name with knowledge of Complainant's OVINTIV trademark and with the intent to trade off of the goodwill associated with Complainant's trademark (and the confusion of the disputed domain name therewith), as described in paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for such illegal activity constitutes bad faith.

[WIPO Overview 3.0](#), section 3.4 ("Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. ... Many such cases involve the respondent's use of the domain name to send deceptive emails, e.g., ..., or to solicit payment of fraudulent invoices by the complainant's actual or prospective customers.").

Further, "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." [WIPO Overview 3.0](#), section 3.1.4.

Complainant further asserts that bad faith is demonstrated by the fact that the disputed domain name, if ever put to use for a website, would create a likelihood of confusion with Complainant's mark. In light of the distinctive nature of the OVINTIV mark and Respondent's failure to submit a response, this too is evidence of bad faith. *Ovintiv Trademarks Inc. v. Kuichuan Wang, Kuichuan Wang*, WIPO Case No. [D2025-1144](#). See also *Corning Incorporated v. Paul Level*, WIPO Case No. [D2025-0491](#) (finding registration and use in bad faith where "The Panel agrees with the Complainant that the disputed domain name, if put to use, would likely confuse potential consumers into believing that the Respondent is somehow affiliated with, or endorsed by, the Complainant [and] it was not rebutted by the Respondent that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the CORNING WARE trademark.").

Accordingly, 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 <ovintivv.com> be transferred to Complainant.

*/Bradley A. Slutsky/*

**Bradley A. Slutsky**

Sole Panelist

Date: May 13, 2025