

ADMINISTRATIVE PANEL DECISION

Ovintiv Trademarks Inc. v. Kuichuan Wang, Kuichuan Wang
Case No. D2025-1144

1. The Parties

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

The Respondent is Kuichuan Wang, Kuichuan Wang, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <ovintiv-phl.com> is registered with Cosmotown, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 20, 2025. On March 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 22, 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 March 24, 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 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 the Respondent of the Complaint, and the proceedings commenced on March 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 22, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on April 28, 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 oil and natural gas exploration and production company, mainly active in the United States and Canada. Its operations also include the marketing of oil, natural gas liquids and natural gas. The Complainant generated USD 10.929 billion in revenue in 2023, and over USD 32 billion between 2021 and 2023.

The Complainant is the owner of the following trademark registrations for the trademark OVINTIV ("OVINTIV Trademark"):

- United States trademark registration No. 7108219 for OVINTIV (word mark), registered on July 11, 2023.
- Canada trademark registration No. TMA1281899 for OVINTIV (word mark) registered January 10, 2025

The Complainant owns and operates the domain name <ovintiv.com>.

The disputed domain name was registered on September 18, 2024.

The Complainant asserts that the disputed domain name is inactive. At the date of the present decision, the Panel also found that the disputed domain name redirects to an error page.

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.

First, the Complainant asserts that it owns registrations for the OVINTIV Trademark and that the disputed domain name is confusingly similar to the OVINTIV Trademark as it includes the OVINTIV Trademark in its entirety with the mere addition of a hyphen followed by the three letters "phi". This addition does not diminish the confusion.

Second, the Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has no connection or affiliation with the Complainant and has not received any authorization, license, or consent, be it directly or indirectly, to register or use the OVINTIV Trademark, including in, or as part of, a domain name. Besides, there is no evidence to suggest that the Respondent has ever used, or demonstrated preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. There is no evidence to suggest that the Respondent has been commonly known by the disputed domain name, or that the Respondent is making, or intends to make, a legitimate noncommercial or fair use of the disputed domain name.

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. The Complainant explains that it is not necessary for a disputed domain name to be associated with an active website for a finding of bad faith to be made under paragraph 4(b)(iv) of the Policy. The registration of a domain name is in bad faith when, if ever put to use, the disputed domain name would ultimately result in consumer confusion. In the case at hand, the disputed domain name, if ever put to use, would be likely to confuse potential consumers into believing that the Respondent is somehow affiliated with, or endorsed by,

the Complainant. Furthermore, the disputed domain name, if ever put to use, would result in Internet traffic being diverted from the Complainant to the Respondent, thereby putting the Respondent in a position to reap a financial benefit. As a result, the Complainant contends that the disputed domain name is registered and used in bad faith. Further, the Complainant asserts that the Respondent has engaged in a pattern of registering domain names that contain trademarks to which he is not entitled, as UDRP complaints were filed against it.

B. Respondent

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

6. Discussion and Findings

Dealing with the Respondent's failure to file a response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under these Rules, the panel shall be entitled to draw such inferences from this omission, as it considers appropriate.

Paragraph 4(a) of the Policy provides that the Complainant proves each of the following three elements in order to succeed in its Complaint:

- (i) the disputed domain name is identical 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; 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 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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the OVINTIV Trademark is reproduced within the disputed domain name. The only difference between the OVINTIV Trademark and the disputed domain name is the addition of an hyphen and the letters "phi". Although the addition of these elements may bear on assessment of the second and third elements, the Panel finds the addition of such elements does not prevent a finding of confusing similarity between the disputed domain name and the Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Further, the generic Top-Level Domain ".com" is a standard registration requirement and does not prevent the disputed domain name from being confusingly similar to the OVINTIV Trademark.

Accordingly, the disputed domain name is confusingly similar to the OVINTIV Trademark for the purposes of the Policy.

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 Respondent is not licensed by, nor affiliated with, the Complainant in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either. On the contrary, the Panel notes that the disputed domain name reproduces the OVINTIV Trademark with the mere addition of an hyphen and the letters “phi” (which may refer to the three-letter code for Philippines), and as such carries a risk of implied affiliation, which cannot constitute fair use as it suggests sponsorship or endorsement by the Complainant (if ever put in use, Internet users could believe that the disputed domain name redirects to the Complainant's website for the Philippines).

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The Panel notes that the Respondent has composed the disputed domain name by combining the Complainant's OVINTIV Trademark with a hyphen followed by the letters “phi”, which may refer to the country code for the Philippines (where the Complainant could be active). By doing so, the disputed domain name, if ever put in use, could confuse Internet users into believing that the Respondent is somehow affiliated with, or endorsed by, the Complainant. The registration of the disputed domain name creates a likelihood of confusion with the Complainant and its OVINTIV Trademark. In the circumstances, and in the absence of any explanation from the Respondent for its choice of the disputed domain name, the Panel can only reasonably infer that the Respondent registered the disputed domain name in the knowledge of the Complainant's Trademark and with the intention of taking unfair advantage of the goodwill attached to it by causing confusion among Internet users.

Besides, the Panel notes that a quick search for the term “OVINTIV” online would have revealed to the Respondent the existence of the Complainant and its OVINTIV Trademark. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainant's OVINTIV Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#) section 3.2.2.

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. Although 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 and (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use. [WIPO Overview 3.0](#), section 3.3. In this respect, the Panel notes the distinctiveness of the OVINTIV Trademark (OVINTIV is a coined term that is inherently distinctive), the composition of the disputed domain name (which includes the OVINTIV Trademark in its entirety with the mere addition of an hyphen and the "phl" letters), the failure of the Respondent to submit a response, and the implausibility of any good faith use to which the disputed domain name may be put. The Panel finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Lastly, the Panel finds that the Respondent has already registered domain names for which a panel decision has admitted bad faith registration (see e.g. *Tiqets Holding B.V., vs. Kuichuan Wang*, WIPO Case No. [D2024-2957](#); *Quintessentially (UK) Limited vs. Kuichuan Wang*, WIPO Case No. [D2024-2276](#); *Brendan Vacations, Inc., vs. Kuichuan Wang*, WIPO Case No. [D2024-0598](#); *Brendan Vacations, Inc vs. Kuichuan Wang*, WIPO Case No. [D2024-0534](#)). This further reinforces the overall impression of bad faith.

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 <ovintiv-phl.com> be transferred to the Complainant.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: May 1, 2025