

ADMINISTRATIVE PANEL DECISION

Ovintiv Trademarks Inc. v. Jose Montero
Case No. D2025-2474

1. The Parties

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

Respondent is Jose Montero, United States.

2. The Domain Name and Registrar

The disputed domain name <ovnitiv.com> (the “Disputed Domain Name”) is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 23, 2025. On June 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 24, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on July 4, 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 July 4, 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 July 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 28, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 29, 2025.

The Center appointed Richard W. Page as the sole panelist in this matter on August 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

Complainant is a publicly traded company (OVV:NYSE) and is a leading North American oil and natural gas exploration and production company. Complainant is focused on the development of its multi-basin portfolio of top tier oil and natural gas assets located in the United States and Canada. Its operations also include the marketing of oil, natural gas liquids (NGLs), and natural gas. In January 2020, Encana Corp. completed a corporate reorganization and changed its name to OVINTIV.

Complainant has enjoyed tremendous success, generating USD 10.929 billion in revenue in 2023, and over USD 32 billion between 2021 and 2023.

Complainant operates a website located at “www.ovintiv.com”.

Complainant is the owner of United States trademark registration for OVINTIV Registration No. 7108219 registered on July 11, 2023, in International Classes 4, 35, 37, 40, and 42 and of Canadian trademark registration for OVINTIV Registration No. TMA1281899 registered on January 10, 2025, in International Classes 4, 35, 37, 39, 40, and 42 (the “OVINTIV Mark”).

The Disputed Domain Name was registered on January 16, 2025, and currently resolves to an inactive website.

5. Parties' Contentions

A. Complainant

Complainant contends that the OVINTIV Mark enjoys widespread recognition and has generated significant goodwill. Complainant further contends that Respondent registered the Disputed Domain Name without the permission of Complainant. Complainant further contends that Respondent has not been licensed or otherwise authorized to use the OVINTIV Mark in any manner, including without limitation, for use in the Disputed Domain Name.

Complainant further contends that Respondent has incorporated the entirety of the OVINTIV Mark in the Disputed Domain Name, engaging in typosquatting by inverting two letters in the Disputed Domain Name.

Complainant submits that the creation of the Disputed Domain Name is confusingly similar to the OVINTIV Mark is not a bona fide offering of goods and services by Respondent or a legitimate use of the Disputed Domain Name.

Complainant further submits that Respondent has not been commonly known by the Disputed Domain Name.

Complainant alleges that Respondent is intentionally attempting to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the OVINTIV Mark. Complainant further alleges that passive holding of the Disputed Domain Name is sufficient for the Panel to find bad faith.

Complainant further alleges that Respondent knew or should have known that Complainant owned rights in the OVINTIV Mark when Respondent registered the Disputed Domain Name.

Complainant argues that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable."

Even though Respondent has failed to file a Response or to contest Complainant's assertions, the Panel will review the evidence proffered by Complainant to verify that the three essential elements of the claims are met. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three essential elements:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the OVINTIV Mark in which Complainant has rights; and,
- ii) that 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

[WIPO Overview 3.0](#), section 1.2.1 states that registration is prima facie evidence of Complainant having enforceable rights in the OVINTIV Mark.

Complainant has shown rights in respect of the OVINTIV Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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 OVINTIV Mark and the Disputed Domain Name. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the mark is recognizable within the Disputed Domain Name, despite the typo of inverting two letter from the OVINTIV Mark. [WIPO Overview 3.0](#), section 1.9. Accordingly, the Disputed Domain Name is confusingly similar to the OVINTIV Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

[WIPO Overview 3.0](#), section 1.11.1 instructs that gTLDs such as ".com" may be disregarded for purposes of assessing confusing similarity.

The Panel finds the first essential 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 the Disputed Domain Name.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving Respondent lacks rights or legitimate interests in the Disputed 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 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 Disputed 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.

Paragraph 4(c) of the Policy allows three nonexclusive methods for the Panel to conclude that Respondent has rights or a legitimate interest in the Disputed Domain Name:

(i) before any notice to you [Respondent] of the dispute, your 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) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or

(iii) you [Respondent] are 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 OVINTIV Mark.

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 Panel finds the second essential 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 the Disputed Domain Name in bad faith.

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

(i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the OVINTIV Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or

(ii) you [Respondent] have registered the Disputed Domain Name in order to prevent the owner of the OVINTIV Mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the Disputed Domain Name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion

with the OVINTIV Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels 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. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the OVINTIV Mark, and the composition of the Disputed Domain Name, and finds Respondent knew or should have known that Complainant had rights in the OVINTIV Mark when it registered the Disputed Domain Name. [WIPO Overview 3.0](#), section 3.2.2.

The Panel further 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.

The Panel also finds that the typosquatting in this case further supports a finding of bad faith.

Having reviewed the record, the Panel finds Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that Complainant has established the third essential 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 <ovnitiv.com> be transferred to the Complainant.

/Richard W. Page/

Richard W. Page

Sole Panelist

Date: August 6, 2025