

## **ADMINISTRATIVE PANEL DECISION**

Naturgy Energy Group, S.A. v. Teresa White, Whitejob  
Case No. D2025-2748

### **1. The Parties**

The Complainant is Naturgy Energy Group, S.A., Spain, represented by Elzaburu SLP, Spain.

The Respondent is Teresa White, Whitejob, United States of America ("United States").

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

The disputed domain name <naturgy.ink> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 11, 2025. On July 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 11, 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 (Details unavailable) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 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 amended Complaint on July 14, 2025.

The Center verified that the Complaint together with the amended 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 July 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 5, 2025.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on August 11, 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

It results from the Complainant's undisputed allegations that it is a Spanish corporation which operates in the energy sector. The Complainant is the registered owner of many trademarks consisting and/or containing the term "Naturgy", e.g.

- (1) European Union trade mark registration no. 016692527 NATURGY (verbal), registered on November 10, 2017, for goods and services in classes 4, 9, 11, 35, 37, 39, 40, 42;
- (2) European Union trade mark registration no. 018734274 NATURGY (figurative), registered on November 23, 2022, for goods and services in classes 9, 35, 41.

The Respondent registered the disputed domain name on March 31, 2025. The Complainant has submitted undisputed evidence demonstrating that the disputed domain name resolved to a webpage designed to impersonate the Complainant. This impersonation is achieved by closely replicating the layout and appearance of the Complainant's official communications. Specifically, the webpage:

- prominently displays the Complainant's figurative trademark;
- purports to provide access to the "Naturgy Customer Area";
- features a countdown timer of less than one day to create urgency;
- includes footer hyperlinks that redirect users to the Complainant's official website;
- contains a false copyright notice referencing "Naturgy"; and
- lists the Complainant's actual corporate address in Madrid.

On May 8, 2025 the Complainant sent a warning letter to the Registrar requesting the Registrar either (i) to provide the domain name owner's contact details or (ii) alternatively, forward the attached Cease-and-Desist letter directly to the domain name holder. However, neither action was taken.

#### 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:

- (1) The disputed domain name is identical to the Complainant's NATURGY trademark, since the ".ink" Top Level Domain ("TLD") is not to be taken into account;
- (2) Unlike the Complainant, the Respondent does not hold any rights in the NATURGY trademarks. The disputed domain name has been registered and is being used for illegitimate purposes. In fact, the content available under the disputed domain name was designed to closely imitate the Complainant's official website, with the apparent aim of misleading users into believing that the website was affiliated with or operated by the Complainant;
- (3) The earlier NATURGY trademarks are well-known and were in use when the disputed domain name was registered. Furthermore, the disputed domain name was registered primarily for the purpose of disrupting the Complainant's business and taking unfair advantage of it. Moreover, Panels have consistently held that the use of a domain name for illegitimate activities - such as phishing - constitutes both bad faith registration and use. In view of the foregoing, the mere existence of the disputed domain name gives an impression of association with the Complainant and has the capacity to deter Internet traffic away from its official website, due to the inclusion of the earlier trademarks.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to "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 requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

### **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.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.7.

The applicable TLD in a domain name (here: ".ink") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test, [WIPO Overview 3.0](#), section 1.11.1.

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.

Furthermore, the Panel notes that the disputed domain name resolved to a webpage designed to impersonate the Complainant. This impersonation is achieved by closely replicating the layout and appearance of the Complainant's official communications, with the apparent intent to deceive users into providing personal data and credit card information under the pretense of settling outstanding electricity bills. This Panel finds it most likely that the Respondent selected the disputed domain name with the intention to take advantage of the Complainant's trademarks by registering a domain name identical to said trademark and prominently displaying the Complainant's figurative trademark on the website to which it resolves. Such use can neither be considered a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue in the sense of paragraph 4(c)(i) and (iii) of the Policy.

In addition, the Respondent did not submit any evidence of bona fide pre-Complaint preparations to use the disputed domain name. As outlined above, the Complainant's uncontested allegations demonstrate that it has not authorized the Respondent's use of its trademarks for registering the disputed domain name, which is identical.

Finally, the Panel notes that there is no evidence in the record that could lead to the conclusion that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

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.

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

In the present case, the Panel notes that the disputed domain name resolved to a webpage designed to impersonate the Complainant. This impersonation is achieved by closely replicating the layout and appearance of the Complainant's official communications, with the apparent intent to deceive users into providing personal data and credit card information under the pretense of settling outstanding electricity bills. Specifically, the webpage:

- prominently displays the Complainant's figurative trademark;
- purports to provide access to the "Naturgy Customer Area";
- features a countdown timer of less than one day to create urgency;
- includes footer hyperlinks that redirect users to the Complainant's official website;
- contains a false copyright notice referencing "Naturgy"; and
- lists the Complainant's actual corporate address in Madrid.

For the Panel, it is therefore evident that the Respondent positively knew the Complainant's trademark. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain name included the Complainant's trademark when it registered the disputed domain name.

In this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith:

- (i) the nature of the disputed domain names identically incorporating the Complainant's trademark, which significantly predates the registration date of the disputed domain name;
- (ii) no actual or contemplated bona fide or legitimate use of the disputed domain name can reasonably be inferred, particularly in light of the composition of the disputed domain name, the absence of any license or authorization granted to the Respondent and the Respondent's failure to provide any explanation for its registration or use of the disputed domain name;
- (iii) the content of the website to which the disputed domain name directed, displaying the Complainant's figurative trademark, address data and requesting users to disclose sensitive personal and financial data; and
- (iv) a clear absence of rights or legitimate interests coupled with no response for the Respondent's choice of the disputed domain name.

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 <naturgy.ink> be transferred to the Complainant.

*/Tobias Malte Müller/*

**Tobias Malte Müller**

Sole Panelist

Date: August 22, 2025