

## **ADMINISTRATIVE PANEL DECISION**

Kinder Morgan, Inc. v. John Doe  
Case No. D2025-3250

### **1. The Parties**

The Complainant is Kinder Morgan, Inc., United States of America (“United States”), represented by Bracewell LLP, United States.

The Respondent is John Doe, United States.

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

The disputed domain name <kindermorganus.com> (the “Disputed Domain Name”) is registered with Global Domain Group LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2025. On August 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 17, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 August 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 12, 2025.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on September 17, 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 states that it is “engaged in the business of transportation and storage of energy products, including natural gas and natural gas liquids”; that “[k]ey operations include pipeline infrastructure, storage and processing operations”; and that it “is one of the largest energy infrastructure companies in North America and is well-known”.

The Complainant states, and provides documentation in support thereof, that it is the owner of four trademark registrations in the United States that consist of or include KINDER MORGAN (the “KINDER MORGAN Trademark”), including U.S. Reg. Nos. 2,819,083 for KINDER MORGAN (registered March 2, 2004) for use in connection with, inter alia, “brokerage of energy, namely, natural gas, liquid natural gas, and oil, to industrial, electric generation, commercial customers”; and 3,810,140 for KINDER MORGAN (registered June 29, 2010) for use in connections with, inter alia, “brokerage of energy, namely, natural gas liquids and carbon dioxide”.

The Disputed Domain Name was created on May 12, 2025. The Complainant states that the Disputed Domain Name has been used as described below, which is supported by documentation provided by the Complainant:

Respondent has engaged in email phishing scheme using email addresses connected to the Domain Name in an attempt to defraud Complainant’s vendors by posing as an official representative of Complainant’s organization and ordering product.... Respondent sent an email to Dell using a fake Kinder Morgan email address incorporating the Domain Name but a real Kinder Morgan employee’s name who works in procurement.... The email, sent to Dell Computers requested a quote for a specific Dell Workstation. The signature block of the email has the actual Kinder Morgan, Inc. address in Houston, claims to be from Kinder Morgan, Inc., and uses the Kinder Morgan logo. Significant efforts have been made to make the email appear to be from Kinder Morgan. Dell Technologies identified this email as a phishing scheme and reported it to Kinder Morgan.

#### 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:

- The Disputed Domain Name is confusingly similar to the KINDER MORGAN Trademark because “[t]he dominant and distinctive component of the KINDER MORGAN Marks is reproduced and recognizable with the Dispute Domain Name”; and the letters “us” are “a geographic descriptor, which does not negate the confusing similarity of the Domain Name to Complainant’s KINDER MORGAN Marks”.
- The Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, “[t]o the best of its knowledge, Complainant asserts that there is no evidence that Respondent, prior to notice of this dispute, was using or preparing to use the Domain Name in connection with a bona fide offering of goods or services, was authorized to use the KINDER MORGAN Marks, or was commonly known by the Domain Name”; and “Respondent’s lack of legitimate interest in the Domain Name is further evidenced by the nature the Domain Name itself, which is clearly a variant on the domain name Complainant uses for its own website, [www.kindermorgan.com](http://www.kindermorgan.com), and other domain names currently owned by Complainant”.
- The Disputed Domain Name was registered and is being used in bad faith because, inter alia, “[t]he phishing email was designed to mimic Complainant’s business and personnel information, demonstrating that Respondent was aware of Complainant and Complainant’s use of the KINDER MORGAN Marks at the time it registered the Domain Name”; “[i]t is clear that Respondent registered the Domain Name in bad faith with the intent to deceive others and/or to defame Complainant”; “the Domain Name is so

obviously connected with the KINDER MORGAN Marks and the services provided by Complainant that their very registration by Respondent, who has no connection with Complainant or its goods and services, suggests opportunistic bad faith on Respondent's part"; and use of the name "John Doe" as registrant – which "is commonly used as a placeholder name in the US for an unidentified or anonymous individual" – "is being used to shield true identi[t]y", as well as the Respondent's address, which is the location for a "provider of funeral, cremation and cemetery services" and "the telephone number is associated with a different location".

## **B. Respondent**

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

## **6. Discussion and Findings**

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

Based upon the trademark registrations cited by the Complainant, it is apparent that the Complainant has rights in and to the KINDER MORGAN Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the KINDER MORGAN Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., "kindermorganus") because "[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". WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.11.1.

As set forth in section 1.7 of [WIPO Overview 3.0](#): "in cases where a domain name incorporates the entirety of a trademark, or where at least 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." Further, as set forth in section 1.8 of [WIPO Overview 3.0](#): "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element." Here, the letters "us" are obviously an abbreviation for "United States" and, therefore, a geographical term. Accordingly, the Disputed Domain Name incorporates the entire KINDER MORGAN Trademark, which is recognizable within the Disputed Domain Name, and the addition of the geographical term "us" does not prevent a finding of confusing similarity.

The Panel finds the first element of the Policy has been established.

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

The Complainant has argued that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, "[t]o the best of its knowledge, Complainant asserts that there is no evidence that Respondent, prior to notice of this dispute, was using or preparing to use the Domain Name in connection with a bona fide offering of goods or services, was authorized to use the KINDER MORGAN Marks, or was commonly known by the Domain Name"; and "Respondent's lack of legitimate interest in the Domain Name is further evidenced by the nature the Domain Name itself, which is clearly a variant on the domain name Complainant uses for its own website, [www.kindermorgan.com](http://www.kindermorgan.com), and other domain names currently owned by Complainant".

[WIPO Overview 3.0](#), section 2.1, states: "[w]hile 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

The Panel finds that Complainant has established its prima facie case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

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

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant 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 the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant’s 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 the registrant’s website or location or of a product or service on the registrant’s website or location. Policy, paragraph 4(b).

By using the Disputed Domain Name in connection with a phishing scheme impersonating one of Complainant’s employees, the Respondent has quite obviously engaged in bad faith. As set forth in section 3.1.4 of [WIPO Overview 3.0](#): “use of a domain name for per se illegitimate activity such as... phishing... is manifestly considered evidence of bad faith.” See also, e.g., *Kimley-Horn and Associates, Inc. v. Abraham Hashim*, WIPO Case No. [DCO2019-0017](#) (finding bad faith where respondent “posed as two of Complainant’s actual employees in order to send phishing emails to one of Complainant’s clients in an effort to obtain payment on an allegedly outstanding invoice”); and *BTWN Exhibits, LLC v. Registration Private, Domains By Proxy, LLC / Ahmed Fawzy, ASM Marketing*, WIPO Case No. [D2020-0036](#) (finding bad faith where “Respondent used the Domain Name to create an email address [and] send fraudulent emails to Complainant’s customers”).

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 <kindermorganus.com> be transferred to the Complainant.

*/Douglas M. Isenberg/*

**Douglas M. Isenberg**

Sole Panelist

Date: September 23, 2025