

ADMINISTRATIVE PANEL DECISION

Kinder Morgan, Inc. v. Kingstoms Lunals, kindermorganinc
Case No. D2025-3251

1. The Parties

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

The Respondent is Kingstoms Lunals, kindermorganinc, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <kindermorganinc.com> is registered with Tucows Domains Inc. (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 14, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 18, 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 August 18, 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 August 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 16, 2025.

The Center appointed Mauricio Jalife Daher as the sole panelist in this matter on September 19, 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 a Delaware corporation with its corporate headquarters in Houston, Texas, United States, engaged in the business of transportation and storage of energy products, including natural gas and natural gas liquids. Key operations include pipeline infrastructure, storage, and processing operations.

The Complainant is one of the largest energy infrastructure companies in North America.

The Complainant has obtained, among others, the following trademark registrations to protect KINDER MORGAN in the United States in connection with its services:

KINDER MORGAN 3810140, registered on June 29, 2010;

KINDER MORGAN (logo) 3810142, registered on June 29, 2010;

KINDER MORGAN (logo) 2816418 registered on February 24, 2004;

KINDER MORGAN 2819083, registered on March 02, 2004.

The disputed domain name <kindermorganinc.com> was created on October 31, 2024.

The Complainant asserts that the disputed domain name was linked to a website which was designed to mimic Complainant's business, logo, company information, and actual projects, as well as images owned by third parties.

The Complainant received cease and desist letters from one of the third parties addressed to the Complainant based on the "unlicensed use of images" on the website of the disputed domain name.

The Complainant asserts that they sent a takedown notice to the Registrar asking for the removal of the illegal contents that were posted on the website of the disputed domain name for the time being, including the contents that infringed the third party's rights.

Although the non-authorized content was blocked by the Registrar, the disputed domain name is still active and controlled by the Respondent.

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, based on the following:

That the disputed domain name reproduces the KINDER MORGAN trademark in its entirety, in addition to the non-distinctive addition of the term "inc", which increases the confusing similarity as the name of the owner of the KINDER MORGAN marks is "Kinder Morgan, Inc".

There is no evidence that Respondent, prior to notice of this dispute, was using or preparing to use the disputed domain Name in connection with a bona fide offering of goods or services.

That the Respondent included in this website images copied from third parties without their permission. The third parties were confused as to the source and origin of the domain name and thus, sent cease and desist letters to the Complainant based on the actions of the Respondent.

That the Respondent website resolved from the disputed domain name impersonated the Complainant's website for purposes as yet undiscovered, evidencing bad faith.

That it is clear that Respondent registered the disputed domain name in bad faith with the intent of deceiving others and/or to defame Complainant.

B. Respondent

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

6. Discussion and Findings

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 KINDER MORGAN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of KINDER MORGAN mark is reproduced within the disputed domain name. The addition of the term "inc" 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

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.

Noting the broader facts in the case, the fact that the Respondent indicated that the name of their organization was "kindermorganInc" suggests the Respondent was pretending to be the Complainant at the time of registering the disputed domain name. Nothing in the record suggests the Respondent is commonly known by the disputed domain name for the purposes of the Policy, and so the listed organization does not support a finding of rights or legitimate Interests in the disputed domain name.

Furthermore, the fact that the website linked to the disputed domain name impersonated the Complainant and included unlicensed images owned by third parties is, in itself, sufficient to exclude a finding of rights or legitimate interests in the disputed domain name.

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 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.

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.

The following circumstances are relevant in assessing the absence of any plausible use of the domain names that would not infringe upon the Complainant's rights: (i) the Respondent indicated that the name of its organization was "kindermorganInc" (pretending to be the Complainant) at the time of registering the disputed domain name; (ii) Respondent has taken steps to conceal its identity by using privacy protection services; (iii) the Respondent did not file a response to the Complaint, and there is no evidence or allegation that the Respondent makes a fair use of the disputed domain name; (iv) the Respondent registered the disputed domain name on October 31, 2024, 20 years after the Complainant registered its trademark KINDER MORGAN in the United States; (v) the term KINDER MORGAN is purely imaginative and unique to the Complainant, therefore it can be concluded that the Respondent chose the disputed domain name with the intention of invoking a misleading association with the Complainant's trademark; (vi) the disputed domain name resolved to a website where unlicensed images - related to the Complainant's field of business - were reproduced to the extent that a third party was misled as to the source and origin of the dispute domain name and thus, wrote cease and desist letters to Complainant based on the actions of Respondent.

Therefore, the Panel finds that the Respondent registered and used the disputed domain name in bad faith.

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 <kindermorganinc.com> be transferred to the Complainant.

/Mauricio Jalife Daher/

Mauricio Jalife Daher

Sole Panelist

Date: October 3, 2025