

## **ADMINISTRATIVE PANEL DECISION**

Kinder Morgan, Inc. v. Mark Evans, Angaroute  
Case No. D2025-3252

### **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 Mark Evans, Angaroute, United States.

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

The disputed domain name <tennesseegaspipeline.com> (the "Disputed Domain Name") is registered with NameCheap, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 15, 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 August 15, 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 August 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 15, 2025.

The Center appointed Lynda M. Braun 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 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 infrastructure, storage and processing operations. The Complainant is one of the largest energy infrastructure companies in North America and is well-known. Founded in 1947, the Tennessee Gas Pipeline Company is a significant natural gas company operated by the Complainant, its parent company, that plays an important role in delivering natural gas to major North American markets.

The Complainant owns the following registered trademark through the United States Patent and Trademark Office ("USPTO"): TENNESSEE GAS PIPELINE, United States Registration No. 2,582,448, registered on June 18, 2002, with a first use in commerce of December 31, 1959, in International Class 39 (hereinafter referred to as the "TENNESSEE GAS PIPELINE Mark").<sup>1</sup>

The Disputed Domain Name was registered on October 19, 2023 and currently resolves to a blank landing page. According to an archive site located by the Complainant, the Disputed Domain Name previously resolved to a website that impersonated the Complainant and displayed fraudulent activity. In addition, the Complainant was contacted by a third party to inform the Complainant that it received a fraudulent phone call from an individual allegedly from the Tennessee Gas Pipeline Company, who wanted to make a purchase of titanium dioxide from the Complainant. The discovery by the Complainant of the above fraudulent phishing activity led to the commencement of this proceeding.

The Complainant submitted a take-down notice to the Registrar, which complied with the request and removed the fraudulent content on the website, but the Complainant received no communication from 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.

Notably, the Complainant contends that:

- the Disputed Domain Name is confusingly similar to the Complainant's TENNESSEE GAS PIPELINE Mark; and
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- the Disputed Domain Name was registered and is being used in bad faith.

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<sup>1</sup> The TENNESSEE GAS PIPELINE Mark was originally owned by the El Paso Corporation, but was assigned to the Complainant, which is now the owner of record, through a Merger and Assignment recorded with the USPTO.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (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 was registered and is being used in bad faith.

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

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is identical to the TENNESSEE GAS PIPELINE Mark.

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

It is uncontroverted that the Complainant has established rights in the TENNESSEE GAS PIPELINE Mark based on its years of use as well as its registered trademark for the TENNESSEE GAS PIPELINE Mark before the USPTO. The consensus view of panels is that "registration of a mark is prima facie evidence of validity, which creates a rebuttable presumption that the mark is inherently distinctive". See *CWI, Inc. v. Domain Administrator c/o Dynadot*, WIPO Case No. [D2015-1734](#). The Respondent has not rebutted this presumption, and therefore the Panel finds that the Complainant has rights in the TENNESSEE GAS PIPELINE Mark as explained below.

The Disputed Domain Name consists of the TENNESSEE GAS PIPELINE Mark in its entirety and then followed by the generic Top-Level Domain ("gTLD") ".com". It is well established that a domain name that wholly incorporates a recognizable trademark with no additional terms may be deemed identical to that trademark for purposes of the Policy. See [WIPO Overview 3.0](#), section 1.8. Here, the Disputed Domain Name and the TENNESSEE GAS PIPELINE Mark are identical, without additional terms in the Disputed Domain Name. Moreover, the addition of a gTLD such as ".com" in a domain name is a technical requirement. As such, it is well established that a gTLD may typically be disregarded when assessing whether a disputed domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is identical to the Complainant's TENNESSEE GAS PIPELINE Mark.

Based on the available record, the Panel finds that 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 that 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 that 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 Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the TENNESSEE GAS PIPELINE Mark nor does the Complainant have any type of business relationship with the Respondent.

The Panel notes that based on the impersonating use of the Disputed Domain Name, it finds it likely that the choice of name by the Respondent was made in furtherance of such impersonation to falsely suggest affiliation with the Complainant. In this regard, there is no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name for the purposes of the Policy. There is also no evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c). Based on the use made of the Disputed Domain Name to resolve to a website presumably impersonating the Complainant, the Panel finds that the Respondent is not making a bona fide offering of goods or services nor making a legitimate noncommercial or fair use of the Disputed Domain Name.

Moreover, the Panel concludes that nothing on the record before it would support a finding that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name. Rather, the Panel finds that the Respondent is using the Disputed Domain Name for commercial gain with the intent to mislead by deceiving the Complainant’s customers into incorrectly believing that they arrived at the Complainant’s website. Such use cannot conceivably constitute a bona fide offering of a product within the meaning of paragraph 4(c)(i) of the Policy or a noncommercial or fair use of the Disputed Domain Name.

Panels have also held that the use of a domain name for illegal activity, here claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

In sum, the Panel concludes that the Complainant has established an unrebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. Rather, the Panel finds that the Respondent is using the Disputed Domain Name for commercial gain with the intent to mislead by potentially defrauding the Complainant or Internet users. Such use cannot conceivably constitute a bona fide offering of a product or service within the meaning of paragraph 4(c)(i) of the Policy.

Based on the available record, the Panel finds that the second element of the Policy has been established.

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

The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent’s bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(a)(iii) of the Policy.

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. 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.

First, the Panel concludes that the Respondent is using the Disputed Domain Name for an illegitimate purpose that demonstrates knowledge of the Complainant's trademark rights and a bad faith intent to register and use the Disputed Domain Name. By registering the Disputed Domain Name that is identical to the Complainant's mark purportedly to perpetrate a phishing scheme at maximum, or fraudulent activity at minimum, it is evident that the Respondent had knowledge of the Complainant, its business, and its TENNESSEE GAS PIPELINE Mark when registering the Disputed Domain Name. In light of the circumstances in this case, it is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant's TENNESSEE GAS PIPELINE Mark at the time the Disputed Domain Name was registered.

Second, the use of a domain name to intentionally attempt to attract Internet users to a respondent's website by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of the respondent's website demonstrates registration and use in bad faith. In so doing, the Respondent, by means of the inherently misleading Disputed Domain Name, fraudulently attempts to hold itself out as an official website for the Tennessee Gas Pipeline, which conduct is tantamount to bad faith.

Here, the Panel finds that the Respondent's registration and use of the Disputed Domain Name had been done for the specific purpose of trading upon and targeting the mark and reputation of the Complainant, since the Disputed Domain Name was used to resolve to a website that purported to offer services identical to those offered by the Complainant. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com,"* WIPO Case No. [D2000-0847](#) ("[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark for commercial gain"). Based on the circumstances here, the Respondent registered and is using the Disputed Domain Name in bad faith to target the Complainant's TENNESSEE GAS PIPELINE Mark to disrupt the Complainant's business, and to drive Internet traffic seeking the Complainant's goods to the website to which the Disputed Domain Name resolved, demonstrative of bad faith.

Third, the registration of a domain name that is identical to a registered trademark by an entity that has no relationship to that mark may be sufficient evidence of opportunistic bad faith. See *Ebay Inc. v. Wangming*, WIPO Case No. [D2006-1107](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#) (use of a name connected with such a well-known service and product by someone with no connection to the service and product suggests opportunistic bad faith). Based on the circumstances here, the Respondent registered and used the Disputed Domain Name in bad faith in an attempt to create a likelihood of confusion with the Complainant's TENNESSEE GAS PIPELINE Mark.

Finally, panels have held that the use of a disputed domain name for illegal activity, here, claimed impersonation/passing off and use of fraudulent activity, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In sum, the Panel concludes that the circumstances of this case, including, but not limited to, the Complainant's claim that the Disputed Domain Name had been used to create an identical website and the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, support an inference of bad faith.

Based on the available record, the Panel finds that the third element of the Policy has been established.

## **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 <tennesseegaspipeline.com> be transferred to the Complainant.

*/Lynda M. Braun/*

**Lynda M. Braun**

Sole Panelist

Date: October 1, 2025