ADMINISTRATIVE PANEL DECISION

Single Buoy Moorings Inc. v. Leo Cunnignham, sbm offshore
Case No. D2026-2657

1. The Parties

The Complainant is Single Buoy Moorings Inc., Switzerland, represented internally.

The Respondent is Leo Cunnignham, sbm offshore, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <sbmoffshored.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was initially filed with five domain names with the WIPO Arbitration and Mediation Center (the "Center") on June 18, 2026. On June 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 19, 2026, 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 (Contact Privacy Inc. Customer 0177836943) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 26, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On June 29, 2026, the Complainant requested withdrawal of four disputed domain names. The Complainant filed an amended Complaint for the disputed domain name on June 29, 2026.

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 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 27, 2026.

The Center appointed María Alejandra López García as the sole panelist in this matter on July 29, 2026. 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, part of SBM Offshore N.V. (a Dutch-based global group of companies), founded in 1959, provides ocean infrastructures and floating solutions for the offshore energy industry[1]. The Complainant leases and operates Floating Production Storage and Offloading vessels, and is involved in the design and engineering, construction, installation, operation and maintenance of floating production equipment for the offshore Oil and Gas industry.

SBM Offshore N.V. has more than 7,800 employees worldwide; has around 2,000,000 total fleet production capacity in barrels of oil per day; and a total revenue of more than USD 5 billion according to its Annual Financial Report of 2025. SBM Offshore N.V. is a main board listed company on the Euronext Amsterdam stock exchange and has been a member of the AEX index since 2003. SBM Offshore N.V. is engaged in the blue economy and the long-term health of the oceans.

The Complainant owns several trademark registrations for the term SBM OFFSHORE, including but not limited to:

-International trademark for the term SBM OFFSHORE (word mark), Registration No. 968238, registered on February 7, 2008, in force until February 7, 2028; in International Classes ("ICs") 6, 37, and 42; and

-International trademark for the term SBM OFFSHORE (and design), Registration No. 1128622, registered on June 11, 2012, in force until June 11, 2032; in IC 6; and

-International trademark for the term SBM OFFSHORE (word mark), Registration No. 1815116, registered on July 1, 2024, in force until July 1, 2034; in ICs 6, 7, 12, 37, and 42.

The Complainant also owns the domain name <sbmoffshore.com> as its official website.

The disputed domain name was registered on March 24, 2026, and currently resolves to an inactive website with no content. The disputed domain name has been used to impersonate the Complainant through fraudulent email communications to obtain monetary benefits from Complainant's suppliers. The Mail Exchanger ("MX") records have remained configured.

The Respondent seems to be an individual identified as Leo Cunnignham, apparently located in Nigeria.

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.

[1] Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, in particular to affirm or corroborate a party's contention.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its SBM OFFSHORE trademark; that the addition of the letter “d” at the end of the word “offshore”, is a minor alteration that does not avoid confusing similarity and instead shows an intent to deceive.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, given that the Respondent has not met any of the circumstances described in paragraph 4(c) of the Policy; instead, and in particular, the disputed domain name has been used as part of a fraudulent scheme in which the Respondent impersonates the Complainant, specifically one of its employees, to contact suppliers and issue fake purchase orders to obtain monetary or commercial benefits through deception, and with it, misleading suppliers into believing that communications originate from the Complainant, for the clear purpose of obtaining commercial gain through fraudulent means, which is an inherently deceptive conduct.

Finally, the Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith, given that at the time of registration, the Respondent was fully aware of the Complainant’s well-known SBM OFFSHORE trademark and its official domain name <sbmoffshore.com>; that the disputed domain name is an obvious misspelling of the Complainant’s domain name, that the minor variation of the letter “d” is a classic example of typosquatting and demonstrates that the Respondent deliberately targeted the Complainant and its mark; that the Respondent’s knowledge of the Complainant is further evidenced by the Respondent’s conduct in using the disputed domain name to impersonate the Complainant and its management, including its Group Sales & Marketing Director, in communications with suppliers; that the Respondent has issued fake purchase orders and engaged in deceptive communications for the purpose of obtaining monetary or commercial benefits through fraudulent means, which clearly falls within paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove that:

(i) the disputed domain name is identical or confusingly similar to a trademark 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.

In accordance with paragraph 5(f) of the Rules, in the absence of a Response, the Panel shall decide the dispute based upon the Complaint. The complainant bears the burden of proof; a respondent’s default does not, by itself, mean that the complainant is deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (“WIPO Overview 3.1”) section 4.3. Therefore, the Panel will decide this case based on the “balance of probabilities” or “preponderance of the evidence” standard. See WIPO Overview 3.1, section 4.2.

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 3.1, section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms (here, the addition of the letter "d") may bear on assessment of the second and third elements, the Panel finds the addition of such a letter does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

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 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 3.1, 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.

Panels have held that the use of a domain name for illegal activity (here, claimed as phishing, impersonation, or other types of fraud) can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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

C. Registered and Used 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 3.1, section 3.2.1.

In the present case, it is clear to this Panel that given the nature of the disputed domain name and its use to engage in phishing and impersonate the Complainant, the Respondent was well aware of the Complainant's distinctive and widely known trademark SBM OFFSHORE (including its official domain name <sbmoffshore.com>) at the time of its registration. WIPO Overview 3.1, section 3.2.2.

Panels have held that the use of a domain name for illegal activity (here, claimed as phishing, impersonation, or other types of fraud) constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <sbmoffshored.com> be transferred to the Complainant.

/María Alejandra López García/
María Alejandra López García
Sole Panelist
Date: August 10, 2026