ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
BP Europa SE v. JOINT STOCK COMPANY “DEL’AVIA”, JOINT STOCK COMPANY “DEL’AVIA”
Case No. D2026-4742

1. The Parties

The Complainant is BP Europa SE, Germany, represented by Noerr PartG mbB, Germany.

The Respondent is JOINT STOCK COMPANY “DEL’AVIA”, JOINT STOCK COMPANY “DEL’AVIA”, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <heizoel-aral.com> (the “Domain Name”) is registered with RU-CENTER-MSK (Regional Network Information Center, JSC dba RU-CENTER) (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 19, 2026. On October 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 20, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Privacy protection service - whoisproxy.ru) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 20, 2026, 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 October 21, 2026, and translated Amended Complaints into Russian and German on October 22, 2026.

On October 20, 2026, the Center informed the parties in Russian and English, that the language of the registration agreement for the Domain Name is Russian. On October 21, 2026, the Complainant confirmed its request that English be the language of the proceeding or, alternatively, German. The Respondent did not submit any comment on the Complainant’s submission.

The Center verified that the Complaint together with the amended Complaints 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 in English and Russian of the Complaint, and the proceedings commenced on October 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was November 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 13, 2026.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on November 16, 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 is a European public limited company within the BP group, headed by BP p.l.c., a multinational oil and gas company headquartered in London, United Kingdom. The BP group operates in various sectors of the oil and gas industry and conducts business in approximately 70 countries.

The Complainant states that its turnover in 2022 amounted to approximately EUR 55 billion. One of the Complainant's subsidiaries is Aral AG, a German company operating approximately 2,400 petrol stations in Germany.

The Complainant is the owner of numerous ARAL trademark registrations:

- the European Union Trade Mark Registration for ARAL (word trademark) No. 000125492, registered on October 6, 1998;
- the European Union Trade Mark Registration for ARAL (figurative trademark) No. 000125443, registered on November 3, 1999; and
- the German Trademark Registration for ARAL (figurative trademark) No. 818736, registered on April 25, 1966.

Moreover, the domain name <aral.de>, incorporating the ARAL trademark, is used for the official website of the Complainant's subsidiary, Aral AG.

The Domain Name was registered on September 9, 2026.

At the time of the filing of the Complaint, the Domain Name resolved to a German-language website purportedly offering heating oil for sale (the "Website"). The Website prominently displayed the ARAL trademark and logo and provided an online price calculator and ordering options. It also displayed customer reviews, certification symbols, and contact information. The Website's legal notice identified an unrelated company as the Website publisher and Tanja Wagner as its managing director. It also listed Millennial Trading UG under the heading "Authorized Managing Directors".

The Complainant alleges that the Website is fraudulent and is used to obtain payments for heating oil that is not delivered. The Complainant submits that the company identified on the Website has no connection with Aral AG or the sale of heating oil. It also states that the German Commercial Register for that company identifies another individual, rather than Tanja Wagner, as its managing director. According to the Complainant, these discrepancies indicate that the identity of that company was misappropriated to create a false impression of legitimacy.

The Complainant also refers to consumer reports received by Aral AG. In one reported case, a consumer received an invoice for heating oil, with payment requested to a third party's bank account. The Complainant further states that a test purchase confirmed that the Website collected customers' personal details and that its operators subsequently requested payment by email. The Complainant states that it has repeatedly notified the Registrar of the alleged misuse since September 15, 2026.

As of the date of this Decision, the Domain Name does not resolve to any active website.

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 Domain Name.

First, the Complainant contends that the Domain Name is confusingly similar to the trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Name.

Third, the Complainant submits that the Domain Name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Issue – Language of the Proceeding

The language of the Registration Agreement for the Domain Name is Russian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and the Amended Complaint were filed in English. The Complainant also filed Russian and German translations of the Amended Complaint "as a precautionary measure".

The Complainant requested that the language of the proceeding be English or, alternatively, German, for several reasons.

First, the Complainant submits that the Website is in German and targets customers in Germany. It offers goods for sale in euros.

Second, the Complainant points out that the Domain Name contains the German term "heizoel", meaning "heating oil". It further submits that the Domain Name is written in Latin script and has no apparent connection to Russian Federation or the Russian language.

Third, the Complainant notes that the Website identifies a German company as the responsible entity.

Fourth, the Complainant argues that the Respondent, as a joint stock company, can reasonably be expected to understand English.

Fifth, the Complainant submits that conducting the proceeding in Russian would impose additional translation costs and cause delay.

Finally, the Complainant alleges that the Respondent deliberately chose a Russian Registrar and a Russian-language Registration Agreement to obstruct enforcement proceedings.

The Respondent did not comment on the Complainant's request that the language of the proceeding be English or, alternatively, German.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs. See section 4.5.1 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1").

Panels have found that certain scenarios may warrant proceeding in a language other than that of the registration agreement. Such scenarios include (i) evidence showing that the respondent can understand the language of the complaint, (ii) the language/script of the domain name particularly where the same as that of the complainant's mark, (iii) any content on the webpage under the disputed domain name, (iv) prior cases involving the respondent in a particular language, (v) prior correspondence between the parties, (vi) potential unfairness or unwarranted delay in ordering the complainant to translate the complaint, (vii) evidence of other respondent-controlled domain names registered, used, or corresponding to a particular language, (viii) in cases involving multiple domain names, the use of a particular language agreement for some (but not all) of the disputed domain names, (ix) currencies accepted on the webpage under the disputed domain name, or (x) other indicia tending to show that it would not be unfair to proceed in a language other than that of the registration agreement. See section 4.5.1 of the WIPO Overview 3.1.

In the present case, the Panel notes that the Complainant filed the Complaint and the Amended Complaint in English and provided Russian and German translations of the Amended Complaint. The Respondent did not object to the Complainant's language request or otherwise participated in the proceeding.

Taking into account these circumstances, the absence of any objection from the Respondent, and the potential delay and additional costs of proceeding in Russian, the Panel considers that conducting the proceeding in English would not be unfair to either Party.

Accordingly, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2. Substantive Issues

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

(i) the 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 the Domain Name; and

(iii) the Domain Name has been registered and is being used in bad faith.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence"; some panels have also expressed this as an "on balance" standard. Under this standard, a party should demonstrate to a panel's satisfaction that it is more likely than not that a claimed fact is true. See section 4.2 of the WIPO Overview 3.1.

A. Identical or Confusingly Similar

Under the first element, the Complainant must establish that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds valid registrations for the ARAL trademark. The Domain Name incorporates this trademark in its entirety. As numerous UDRP panels have held, in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered confusingly similar to that mark. See section 1.7 of the WIPO Overview 3.1.

The addition of the term "heizoel-" in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the Complainant's ARAL trademark. Panels have consistently held that 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. See section 1.8 of the WIPO Overview 3.1.

The Top-Level Domain ("TLD") ".com" in the Domain Name is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. See section 1.11.1 of the WIPO Overview 3.1.

Given the above, the Panel finds that the Domain Name is confusingly similar to the Complainant's ARAL trademark. Thus, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Name.

A right or legitimate interest in the Domain Name may be established, in accordance with paragraph 4(c) of the Policy, if the Panel finds any of the following circumstances:

(i) that the Respondent has used or made demonstrable preparations to use the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services prior to the notice of the dispute; or

(ii) that the Respondent is commonly known by the Domain Name, even if the Respondent has not acquired any trademark rights; or

(iii) that the Respondent is making a legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

In the present case, the Complainant's ARAL trademark registrations predate the Respondent's registration of the Domain Name. There is no evidence in the case record that the Complainant has licensed or otherwise permitted the Respondent to use the ARAL trademark or to register the Domain Name incorporating this trademark.

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Name in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Name. On the contrary, the evidence shows that the Domain Name was used in connection with the Website purportedly offering heating oil for sale while impersonating the Complainant's subsidiary. The evidence also indicates that the Website provided inaccurate information about the company identified as its operator. The Complainant further alleges that the Website was used to obtain payments for heating oil that was not delivered. Such use of the Domain Name does not support a finding of rights or legitimate interests under the Policy.

Prior UDRP panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the "Oki Data test" (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903), the following cumulative requirements will be applied in the specific conditions of a UDRP case:

(i) the respondent must actually be offering the goods or services at issue;

(ii) the respondent must use the site to sell only the trademarked goods or services;

(iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and

(iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

In the present case, the above requirements are not met. The Domain Name incorporates the Complainant's ARAL trademark together with the German term "heizoel". The Website prominently displayed the ARAL trademark and logo and offered heating oil for sale. The Panel notes that the Complainant's subsidiary, Aral AG, operates in the same sector. In the circumstances of this case, the composition of the Domain Name, together with the content of the Website, points to the Respondent's targeting of the Complainant and its trademark. Moreover, the Website does not accurately and prominently disclose the Respondent's relationship, or lack thereof, with the Complainant. Accordingly, the Panel finds that the Respondent's use of the Domain Name does not satisfy the cumulative requirements of the Oki Data test and does not confer any rights or legitimate interests.

In addition, prior UDRP panels have categorically held that the use of a domain name for illegal activity, including passing off or impersonation, can never confer rights or legitimate interests on a respondent. See section 2.13.1 of the WIPO Overview 3.1.

Given the above, there are no circumstances in evidence which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests of the Respondent in respect of the Domain Name. Thus, there is no evidence in the case record that refutes the Complainant's prima facie case. In sum, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under the third element, the Complainant must prove that the Domain Name has been registered and is being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the WIPO Overview 3.1.

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

(i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or service mark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or

(ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or

(iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

As indicated above, the Complainant's rights in the ARAL trademark predate the registration of the Domain Name. This Panel finds that the Respondent was or should have been aware of the Complainant's trademark at the time of registration of the Domain Name. This finding is supported by the incorporation of the Complainant's ARAL trademark in the Domain Name together with the German term "heizoel" (in English "heating oil"), as well as by the Respondent's use of the Domain Name in connection with the Website, which prominently displayed the ARAL trademark and logo and purportedly offered heating oil for sale. The Panel notes that the Complainant's subsidiary, Aral AG, is active in the same sector. In these circumstances, the Panel finds that, more likely than not, the Respondent registered the Domain Name with the Complainant and its ARAL trademark in mind.

Moreover, the Panel is satisfied with the evidence that the Complainant's ARAL trademark is well-known and unique to the Complainant, at least in the fuel and energy sector. Thus, the Respondent could not reasonably have been unaware of the reputation of the Complainant's trademark, particularly given the use of the Domain Name for the Website purportedly offering heating oil, a product also marketed by the Complainant's subsidiary, Aral AG, and prominently displaying the ARAL trademark and logo. In sum, the Panel finds that, more likely than not, the Respondent registered the Domain Name with the intention of taking unfair advantage of the reputation of the Complainant's ARAL trademark.

The Panel finds, on the balance of probabilities, that the Domain Name was registered and is being used in bad faith by the Respondent to attract Internet users to the associated Website. The content and overall presentation of the Website, including the prominent display of the ARAL trademark, the purported offering of heating oil, a product also marketed by the Complainant's subsidiary, and the use of German-language content, gave the impression that the Website was operated by, or affiliated with, the Complainant. Thus, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the associated Website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Website.

Finally, the Respondent's use of a privacy service to conceal its identity may be considered a further indication of bad faith in the circumstances of this case.

For the reasons discussed above, the Panel finds 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 Domain Name <heizoel-aral.com> be transferred to the Complainant.

/Piotr Nowaczyk/
Piotr Nowaczyk
Sole Panelist
Date: November 16, 2026