

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc. v. Zoom Consulting, Zoom Consulting Solutions Pvt Ltd.

Case No. DCO2024-0070

1. The Parties

The Complainant is Halliburton Energy Services, Inc., United States of America ("United States"), represented by Polsinelli PC, United States.

The Respondent is Zoom Consulting, Zoom Consulting Solutions Pvt Ltd, India.

2. The Domain Name and Registrar

The disputed domain name <halliburtondubai.co> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 25, 2024. On September 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 26, 2024, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 27, 2024, 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 September 27, 2024.

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 September 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 25, 2024.

The Center appointed Ada L. Redondo Aguilera as the sole panelist in this matter on November 1, 2024. 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 one of the world's largest providers of products and services to the energy industry founded in 1919.

The Complainant serves the upstream oil and gas industry throughout the lifecycle of the reservoir - from locating hydrocarbons and managing geological data to drilling and formation evaluation, well construction and completion as well as optimizing production throughout the life of the field. Also, the Complainant is a leader in the global energy industry and has been the recipient of numerous industry awards and significant recognition.

The Complainant is the owner of the trademark HALLIBURTON and in this case presented evidence of the following titles issued by the United States Patent and Trademark Office (USPTO):

- United States Registration Number 2,575,819 for HALLIBURTON, registered on June 4, 2002, in Classes 37, 40, and 42; and
- United States Registration Number 2,575,840 for HALLIBURTON, registered on June 4, 2002, in Classes 1, 6, 7, 9, and 16.

Additionally, the Complainant is using the domain name <halliburton.com> to offer its products and services.

The disputed domain name was registered on March 13, 2024. The Respondent has used the disputed domain name to present itself as a Complainant's employee and engaged in fraudulent communication with the potential employee.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has fulfilled each of the elements set forth in the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the HALLIBURTON trademark, notwithstanding the inclusion of the additional geographical name "dubai". It is asserted that this addition is a geographical term that is insufficient to render the disputed domain name distinct from the HALLIBURTON trademark.

The Complainant asserts that the Respondent has no rights or legitimate interests regarding the disputed domain name. According to the Complainant, the Respondent has not made legitimate or fair use of the disputed domain name. The Complaint further alleges that the Respondent registered and used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

In order to succeed in its Complaint, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied: (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 with respect to the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 3.0](#), section 1.7.

Although the addition of the geographical term "dubai" may bear on the assessment of the second and third elements, the Panel determines that the addition of such geographical term does not prevent a finding of confusing similarity between the disputed domain name and the mark in accordance with the Policy. [WIPO Overview 3.0](#), section 1.8.

Furthermore, the Panel finds that the country code Top-level Domain ("ccTLD") in the present case ".co", may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1

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 falls on the Complainant, panels have recognized that proving a Respondent's lack of 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 Respondent's knowledge or control. In such cases, 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. The burden of proof always remains with 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.

Upon review of 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 provided any evidence to refute 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. No evidence has been presented that meets the criteria set out in the Policy or otherwise.

According to the Complainant, the Respondent is not affiliated with the Complainant in any way or otherwise authorized or licensed to use the Complainant's trademark, nor to seek registration of any domain name

containing the Complainant's trademark. Furthermore, the Respondent is not commonly known by the disputed domain name, and has not acquired any trademark or service mark rights in the disputed domain name.

The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. In light of the aforementioned, the Respondent cannot claim to be making any legitimate noncommercial or fair use of the disputed domain name as defined in paragraph 4(c)(iii) of the Policy. The Complainant presented evidence that reflects only the Respondent's intentional mala fide use of the disputed domain name in an attempt to profit from and exploit the Complainant's HALLIBURTON mark through fraud contacting potential employees by false emails.

Taking all the aforementioned into account, the Panel determined that the Respondent was aware of the Complainant's trademark and the Complainant's domain name at the time of registering the disputed domain name. Furthermore, the Panel concludes that the Respondent intends to obtain its own benefit out of the Complainant's trademark, and the goodwill and reputation enjoyed therein by contacting potential employees by false emails can not give rise to any rights or legitimate interests.

Based on the aforementioned evidence, the Panel determines that the Respondent's use of the disputed domain name does not constitute a bona fide use nor does it represent a legitimate noncommercial or fair operation of the disputed domain name. The Panel also finds that the Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that 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, 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.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark, which was registered before the disputed domain name. The Panel considers that it is inconceivable that the Respondent was unaware of the existence of the Complainant and its trademarks, when registering the disputed domain name, given the reputation of the Complainant's trademark.

In the present case, the Panel finds that the Respondent registered the disputed domain name in bad faith and that the Respondent was aware of the Complainant and its HALLIBURTON trademarks at the time of registration of the disputed domain name. The disputed domain name contains the Complainant's entire HALLIBURTON trademarks, combined with a geographical term "dubai" and according to the evidence presented in the case, the Respondent has been using the disputed domain name to target potential employees with false emails where the Respondent falsely appears to be a Complainant's employee.

Panels have held that the use of a domain name for illegal activity, here, claimed phishing, impersonation/passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), 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.

In light of the preceding, the Panel concludes that the disputed domain name was registered and is being used in bad faith; therefore, to find that the Complaint fulfills the paragraph 4(a)(iii) of 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 <halliburtondubai.co> be transferred to the Complainant.

/Ada L. Redondo Aguilera/

Ada L. Redondo Aguilera

Sole Panelist

Date: November 14, 2024