

PANEL DECISION

Equinor ASA v. Maciej Pieczonka

Case No. DEU2023-0026

1. The Parties

The Complainant is Equinor ASA, Norway, represented by Valea AB, Sweden.

The Respondent is Maciej Pieczonka, Poland.

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <equinor1.eu> is the European Registry for Internet Domains ("EURid" or the "Registry"). The Registrar of the disputed domain name is LH.pl Sp. z o.o.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 27, 2023. On June 27, 2023, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On June 28, 2023, the Registry transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the "ADR Rules") and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the "Supplemental Rules").

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 17, 2023. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was August 6, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 7, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on August 10, 2023. 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 ADR Rules, Paragraph B(5).

4. Factual Background

The Complainant, Equinor ASA, is a Norwegian corporation, formerly known as Statoil ASA. The Complainant is an international energy company with operations in more than 30 countries around the world developing oil, gas, wind and solar energy. The Complainant was founded as “The Norwegian State Oil Company (Statoil)” in 1972 and the Norwegian State holds 67% of the shares. Statoil ASA decided to change its name to Equinor in 2018. The name change was announced on March 15, 2018 and the news was shared and commented on many media platforms.

The Complainant has provided evidence that it is the registered owner of numerous trademarks relating to its EQUINOR company name and brand, including the following:

European Union trademark EQUINOR (word), registration No. 017900772, registered on January 18, 2019;

The Complainant has also registered many domain names containing the EQUINOR trademark, including the domain name <equinor.pl> which resolves to the website “www.equinor.pl”, where the contents displayed are in Polish.

The disputed domain name was registered on July 28, 2022, and currently is not active.

Pursuant to the panel’s decision of June 1, 2023 in *Equinor ASA przeciwko Maciejowi Pieczonco*, WIPO Case No. DEUL2023-0003, the Complainant’s request for the language of these ADR proceedings to be in English was granted by the panel, and accordingly the language of the ADR proceeding shall be English.

5. Parties’ Contentions

A. Complainant

The Complainant claims that the disputed domain name is confusingly similar to the Complainant’s registered trademarks; that the Respondent has no rights or legitimate interests with respect to the disputed domain name; and that the Respondent registered and is using the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed in its Complaint, the Complainant must show that the requirements of paragraph B(11)(d)(1) of the ADR Rules have been complied with. That paragraph reads as follows: “[I]n an ADR Proceeding where the Respondent is the holder of a .eu domain name registration in respect of which the Complaint was initiated, that:

- (i) The domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and; either
- (ii) The domain name has been registered by the Respondent without rights or legitimate interest in the name; or
- (iii) The domain name has been registered or is being used in bad faith.”

In addition, paragraph B10(a) of the ADR Rules provides that: “If a Party fails to comply with any of the time

periods established by these ADR Rules or the Panel, the Panel shall proceed to a decision on the Complaint and may consider this failure to comply as grounds to accept the claims of the other Party.”

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

The Complainant has established rights in the EQUINOR trademarks registered in the European Union.

The disputed domain name consists of the Complainant’s trademarks, *i.e.* EQUINOR with the addition of the number “1” and the .eu Top-Level Domain.

The Complainant’s trademark is clearly recognizable within the disputed domain name.

Pursuant to section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) which states: “in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.” In addition, the .eu Top-Level Domain is disregarded under the first element confusing similarity test. See section 1.11 of the [WIPO Overview 3.0](#).¹

Therefore, the Panel finds the disputed domain name to be confusingly similar to the Complainant’s trademark.

The Complainant has, therefore, satisfied the requirements of the first element of paragraph B(11)(d)(1) of the ADR Rules.

B. Rights or Legitimate Interests

The Complainant has further asserted that the Respondent is not known by the disputed domain name and does not hold any rights or legitimate interests to the disputed domain name.

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent does not appear to be commonly known by the name “equinor1” or by any similar name. The Respondent has no connection to or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s trademarks. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. The Panel also notes that the disputed domain name is not only confusing similar to the Complainant’s EQUINOR trademark but also to the Complainant’s numerous domain names, corresponding and/or including the “equinor” element, such as <equinor.com>, <equinor.at> and <equinor.pl> just to name three. These assertions are not contradicted by the Respondent. Should the Respondent have rights or legitimate interests to the disputed domain name, the Panel assumes that it would have advised the Panel of the same. As no response was filed and the Complainant’s *prima facie* case has not been rebutted, the Panel therefore accepts that the Respondent does not have rights or legitimate interests to the disputed domain name.

In the absence of any submission on the issue from the Respondent, the Complainant has satisfied the second element of paragraph B(11)(d)(1) of the ADR Rules.

¹ Given the similarities between the ADR Rules and the Uniform Domain Name Dispute Resolution Policy (the “UDRP”), the Panel will refer to the [“WIPO Overview 3.0”](#) if relevant to this proceeding.

C. Registered or Used in Bad Faith

The Complainant has sufficiently met the criteria for the second condition under the paragraph B(11)(d)(1) of the ADR Rules, and it is therefore unnecessary for the Complainant to also satisfy the third condition.

Furthermore, it is not necessary for the Panel to examine the Complainant's assertions of the Respondent's bad faith registration or use of the disputed domain name.

This Panel notes however that the Complainant has provided sufficient arguments to also indicate the Respondent's bad faith in registering and using the disputed domain name.

Specifically, it appears that the Respondent is currently not using the disputed domain name. Previously, however, it was used to redirect to a Polish site at "www.aftermarket.pl", where the disputed domain name was offered for sale.

In addition, considering the confusing similarity between the disputed domain name and the Complainant's prior trademarks and numerous domain names, and the fact that the disputed domain name was registered more than four years after the announcement of the Complainant's name change in 2018, and given the Complainant's online and commercial activities in Poland including through their website at "www.equinor.pl", which is fully in Polish, the Panel finds that the Respondent was most likely aware of the Complainant's trademarks and of its activity.

Finally, the Respondent has not responded to (nor denied) the assertions made by the Complainant in this proceeding.

Therefore, the Panel finds that the disputed domain name has been registered and is being used in bad faith, and that consequently, the third condition of paragraph B(11)(d)(1) of the ADR Rules is fulfilled.

7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain name, <equinor1.eu>, be transferred to the Complainant.²

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: August 23, 2023

² (i) The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.

(ii) The Complainant is an undertaking established in Norway and thus satisfies the general eligibility criteria for registration set out in Article 3 of Regulation (EU) 2019/517, noting the Decision of the European Economic Area (EEA) Joint Committee (No 83/2020) incorporating Regulation (EU) 2019/517, and that Regulation (EU) 2019/517 is incorporated into the EEA Agreement.