

ADMINISTRATIVE PANEL DECISION

QatarEnergy v. Rachel Adam and Andrew Jerry
Case No. D2023-0012

1. The Parties

The Complainant is QatarEnergy, Qatar, represented by Hogan Lovells (Paris) LLP, France.

The Respondents are Rachel Adam and Andrew Jerry, United States of America ("United States").

2. The Domain Names and Registrar

The disputed domain names <registration-qatarenergy.com> and <service-qatarenergy.com> are registered with Wild West Domains, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 3, 2023. On January 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 3, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names 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 January 4, 2023 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 January 9, 2023.

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 Respondents of the Complaint, and the proceedings commenced on January 11, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 31, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on February 1, 2023.

The Center appointed Mihaela Maravela as the sole panelist in this matter on February 7, 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 Rules, paragraph 7.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

4. Factual Background

According to the uncontested information in the Complaint, the Complainant is a Qatari state-owned corporation founded in 1974, which operates all oil and gas activities in the State of Qatar. The Complainant's revenues from oil and natural gas together amount to 60% of the national GDP of the State of Qatar. According to the Complainant's assertions, as of 2018, it was the third largest oil corporation in the world by oil and gas reserves. In 2021, the Complainant was listed as the No. 2 among the "Top 10 Unlisted Companies in Qatar" by Forbes Middle East. The Complainant has made substantial investments to develop a strong presence online. On October 11, 2021, the Complainant changed its name from Qatar Petroleum to QatarEnergy.

The Complainant has registered numerous trademarks consisting of QATARENERGY or QATAR ENERGY including the European Union trademark QATAR ENERGY (figurative) No. 018573695, registered on April 19, 2022. The Complainant is the owner of numerous domain names including the QATARENERGY trademark, for instance <qatarenergy.qa> and <qatarenergy.com.qa>.

The disputed domain names were registered on November 6, 2022. According to information in the Complaint, prior to the Complainant's request to the Registrar to suspend the disputed domain names, both disputed domain names resolved to similar parking pages displaying pay-per-click ("PPC") links to various third-party goods and services, including those that operate in direct competition with the Complainant. At the date of the decision, the disputed domain names resolve to inactive webpages.

5. Parties' Contentions

A. Complainant

The Complainant argues that the textual element QATARENERGY is a principal feature of the Complainant's trademark, and that the Complainant has established its rights in QATARENERGY for the purposes of paragraph 4(a)(i) of the Policy. The disputed domain names incorporate the Complainant's QATARENERGY trademark in its entirety with the addition of the descriptive terms "registration" and "service" and a hyphen. The Complainant submits that the textual element of its trademark, QATARENERGY, is readily recognizable in the disputed domain names, rendering the disputed domain names confusingly similar to the Complainant's trademark.

As regards the second element, the Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent was using the disputed domain name <service-qatarenergy.com> in connection with advance fee fraud and such use can by no means be considered as a *bona fide* offering of goods or services under the Policy. The fact that the disputed domain names do not currently resolve to an active webpage cannot support a claim that the disputed domain names have been used in connection with a *bona fide* offering of goods and services. The Respondent cannot conceivably claim that it is commonly known by the disputed domain names in accordance with paragraph 4(c)(ii) of the Policy, as the underlying registrant details disclosed by the Registrar list "Andrew Jerry" and "Rachel Adam" which bear no resemblance whatsoever with the disputed domain names.

With respect to the third element, the Complainant argues that it was founded in 1974 and has acquired considerable renown and goodwill worldwide in connection with oil and gas activities. The Complainant's recent rebranding to QATARENERGY in October 2021 was widely reported by the international press.

The fact that the disputed domain name <service-qatarenergy.com> was used as a part of a fraudulent scheme impersonating the Complainant leaves no doubt as to the Respondents' intent to target the Complainant at the time of registration of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Matters

No communication has been received from the Respondents in this case. However, given that the Complaint was sent to the relevant email and postal addresses disclosed by the Registrar, the Panel considers that this satisfies the requirement in paragraph 2(a) of the Rules to "employ reasonably available means calculated to achieve actual notice". Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules and to draw inferences from the Respondents' failure to file any Response. While the Respondents' failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondents' default.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

6.2. Consolidation of Respondents

The Complainant has requested that its complaints be consolidated in respect of two domain names featuring different registrant details. According to paragraph 10(e) of the Rules, "[a] Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules". The consensus view of UDRP panels on the consolidation of multiple respondents is that "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario". See section 4.11.2 of the [WIPO Overview 3.0](#).

Given the similarities in the Registrants' contact information, and the composition of the disputed domain names, which all include the Complainant's trademark QATARENERGY together with a hyphen and a dictionary term, the Panel considers there are strong indications that the two disputed domain names are under common control. Also, the disputed domain names have been registered with the same Registrar on the same day. The Respondents have not objected to the Complainant's consolidation request.

Under the circumstances of the case, the Panel accepts that the disputed domain names are under common control, that consolidation is procedurally efficient, fair and equitable to all Parties and orders consolidation of the disputed domain names. The Panel will refer to the "Respondent" herein below.

6.3. Substantive Matters

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following elements:

- (i) that the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) that the disputed domain names were registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has provided evidence of its rights in the QATARENERGY trademarks. The trademark QATARENERGY is reproduced in its entirety in the disputed domain names. The addition of “service”, respectively “registration” and of a hyphen does not prevent a finding of confusing similarity with the Complainant’s trademarks. The fact that a domain name wholly incorporates a complainant’s trademark is sufficient to establish identity or confusing similarity for the purpose of the Policy, despite the addition of other words to such trademarks. The addition of another term (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity. See section 1.8 of the [WIPO Overview 3.0](#).

It is well accepted by UDRP panels that a generic Top-level-Domain (“gTLD”), such as “.com”, is typically ignored when assessing whether a domain name is identical or confusing similar to a trademark. See section 1.11 of the [WIPO Overview 3.0](#).

This Panel concludes that the disputed domain names are confusingly similar to the Complainant's trademarks and therefore finds that the requirement of paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

As established by previous UDRP panels, it is sufficient for the Complainant to make a *prima facie* case demonstrating that the Respondent has no rights or legitimate interests in the disputed domain names in order to place the burden of production on the Respondent (see section 2.1 of the [WIPO Overview 3.0](#)).

In the present case, the Complainant has established a *prima facie* case that it holds rights over the trademarks QATARENERGY and claims that the Respondents have no legitimate reason to acquire and use the disputed domain names.

There is no evidence that the Respondent is using the disputed domain names in connection with a *bona fide* offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain names. Rather, according to the unrebutted evidence put forward by the Complainant, the disputed domain names were used to redirect to parked pages comprising PPC links to competing services. According to section 2.9 of the [WIPO Overview 3.0](#), “Applying UDRP paragraph 4(c), panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users”. In this case, the PPC links were related to the Complainant’s business and generated search results with competing services to those offered by the Complainant. In this Panel’s view, such use does not amount to a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the disputed domain names within the meaning of paragraphs 4(c)(i) and (iii) of the Policy.

Also, there is no evidence that the Respondent is commonly known by the disputed domain names within the meaning of paragraph 4(c)(ii) of the Policy.

Further, the Panel notes that the nature of the disputed domain names carries a risk of implied affiliation with the Complainant (see section 2.5.1 of the [WIPO Overview 3.0](#)).

The Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain names. With the evidence on file, the Panel finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain names were registered and are being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, "in particular but without limitation", be evidence of the disputed domain names' registration and use in bad faith.

The disputed domain names were registered after the Complainant had obtained registration of its QATARENERGY trademarks and used them in commerce. The website associated with the disputed domain names contained PPC links related to the services offered by the Complainant. Under these circumstances, the Panel considers that the Respondent has registered the disputed domain names with knowledge of the Complainant and its trademarks and that it targeted those trademarks.

As regards the use of the disputed domain names, from the evidence put forward by the Complainant and not rebutted by the Respondent, it results that the disputed domain names redirected Internet traffic to a website displaying PPC advertisements for the Complainant-related services. Given the confusing similarity between the Complainant's trademarks and the disputed domain names, and that the PPC links operate for the commercial gain of the Respondent or of the operators of those linked websites, or both, the Panel considers that the disputed domain names are intended to attract Internet users by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites or other online location or of a service offered on such other online location within the terms of paragraph 4(b)(iv) of the Policy.

In addition, according to the unrebutted evidence submitted by the Complainant, the disputed domain name <service-qatarenergy.com> was used as a part of a fraudulent scheme impersonating the Complainant. UDRP panels have established that the use of a domain name to perpetuate fraud constitutes bad faith (See section 3.4 of the [WIPO Overview 3.0](#)).

Moreover, the Respondent has not participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good-faith use and indeed none would seem plausible. Also, the Respondent seems to have provided false physical address details in the WhoIs. This is an indicator of bad faith (section 3.2.1. of the [WIPO Overview 3.0](#)).

It appears that the disputed domain names no longer resolve to an active website. The current passive holding of the disputed domain names does not absolve the Respondent of bad faith registration and use, and, in fact, under the circumstances of this case is further evidence of bad faith registration and use. See [WIPO Overview 3.0](#), section 3.3.

Based on the evidence and circumstances of this case, the Panel concludes that the disputed domain names were registered and are being used in bad faith.

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 names, <registration-qatarenergy.com> and <service-qatarenergy.com> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: February 20, 2023