

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc. v. office admin
Case No. D2023-0029

1. The Parties

The Complainant is Halliburton Energy Services, Inc., United States of America (“United States”), represented by Polsinelli PC Law firm, United States.

The Respondent is office admin, Australia.

2. The Domain Name and Registrar

The disputed domain name <halliburt0n.com> is 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 4, 2023. On January 4, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 5, 2023, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 18, 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 amendment to the Complaint on the same day.

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 January 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 8, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 9, 2023.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on February 13, 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.

4. Factual Background

The Complainant is Halliburton Energy Services, Inc., a United States company operating in energy industry field that owns several trademark registrations for HALLIBURTON, including the following:

- HALLIBURTON, United States Reg. No. 2,575,819 registered on June 4, 2002, in Classes 37, 40, and 42; and
- HALLIBURTON, United States Reg. No. 2,575,840 registered on June 4, 2002, in Classes 1, 6, 7, 9, and 16.

The Complainant also operates on the Internet and owns several domain names for HALLIBURTON, including “www.halliburton.com” as its official website.

The disputed domain name was registered on September 27, 2022, and presently resolves to an inactive website. There is evidence before the Panel that it has been used for sending fraudulent emails to the customers of the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends as follows:

- (1) The disputed domain name is confusingly similar to the mark HALLIBURTON, constituting a slight typographical error of the Complainant's HALLIBURTON mark that simply changes an “o” to a numerical “0”, which is a clear example of typosquatting.
- (2) The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is neither affiliated with nor has been licensed or permitted to use the HALLIBURTON mark or any domain names incorporating the HALLIBURTON mark. Besides, the Respondent is not commonly known by the disputed domain name. The Respondent's inactive holding of the disputed domain name is neither a *bona fide* offering of goods or services nor legitimate noncommercial or fair use of the disputed domain name. Moreover, the Complainant alleges that the Respondent has used the disputed domain name to target vendors of the Complainant in a fraudulent email scheme in which the Respondent attempted to impersonate one of the Complainant's employees.
- (3) The Respondent registered and is using the disputed domain name in bad faith. Given the Complainant's worldwide reputation, the Respondent was or should have been aware of the HALLIBURTON mark prior to registering the disputed domain name.

The Complainant seeks a decision that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Even though the Respondent has defaulted, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, the Complainant must still prove its assertions with evidence demonstrating that:

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

The Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the Complaint, the Panel's decision shall be based upon the Complaint.

However, even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all these requirements are fulfilled. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See, section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

A. Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy it should be established that the disputed domain name is identical or confusingly similar to a mark in which the complainant has rights.

The Complainant has demonstrated ownership of its HALLIBURTON trademark. Therefore, the Panel is satisfied that the Complainant has registered trademark rights in the HALLIBURTON mark. See [WIPO Overview 3.0](#), section 1.2.1.

The Panel also considers that the disputed domain name is confusingly similar to the Complainant's HALLIBURTON mark. The disputed domain name is a slight typographical error of the Complainant's HALLIBURTON mark that simply changes an "o" to a numerical "0", which is a clear example of typosquatting. See [WIPO Overview 3.0](#), section 1.9. Switching a single letter does not prevent the confusing similarity of the disputed domain name to the Complainant's mark.

Finally, the addition of a generic Top-Level Domain ("gTLD") such as ".com" in a domain name is a technical requirement. Thus, it is well established that such element may generally be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark.

Therefore, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark and that the requirement of paragraph 4(a)(i) of the Policy is met.

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 name.

To succeed on this element, a complainant must make out a *prima facie* case that the respondent lacks rights or legitimate interests in the domain name. If such a *prima facie* case is made out, then the burden of production shifts to the respondent to demonstrate rights or legitimate interests in the domain name.

The Complainant contends that the Respondent is not affiliated with the Complainant in any way. It has not been authorized by the Complainant to register or use the disputed domain name or to seek the registration of any domain name incorporating the HALLIBURTON mark. There is no evidence that the Respondent is commonly known by the disputed domain name or any similar name.

The disputed domain name resolves to an inactive website. The Panel finds that there is no evidence that the Respondent has used or made demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services or for a legitimate noncommercial use. On the contrary, the evidence in the case file reflects only the Respondent's intentional *male fide* use of the disputed domain name impersonating the Complainant's employee. See [WIPO Overview 3.0](#), section 2.13.1. Panels have categorically held that the use of a domain name for illegal activity (e.g., impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.

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 Panel also finds that the Respondent has failed to produce any evidence to establish his rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and that the element under paragraph 4(a)(ii) of the Policy has been established.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) refers to the question of whether the disputed domain name has been registered and is being used in bad faith by the Respondent.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", being the Panel prepared to draw certain inferences in light of the particular facts and circumstances of the case. See [WIPO Overview 3.0](#), section 4.2.

Regarding the registration in bad faith of the disputed domain name, the reputation of the Complainant's trademark HALLIBURTON in the energy industry field is clearly established, and the Panel finds that the Respondent likely knew of the Complainant and its trademark and deliberately registered the disputed domain name in bad faith.

Furthermore, as it was established in the first element, the disputed domain name is a clear example of typosquatting where a trademark is misspelled. UDRP panels have consistently found that typosquatting is inherently parasitic and of itself evidence of bad faith. The Respondent's selection of the disputed domain name has been with the intent to capitalize on Internet users inadvertently mistyping the Complainant's main domain name address. See, *Edmunds.com, Inc. v. Triple E Holdings Limited*, WIPO Case No. [D2006-1095](#).

Furthermore, as the case file clearly shows, the Respondent has been using the disputed domain name for sending fraudulent emails to the customers of the Complainant by creating a likelihood of confusion with the Complainant in the mind of consumers.

The Panel finds that the Complainant has presented evidence to satisfy its burden of proof with respect to the issue of whether the Respondent has registered and is using the disputed domain name in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 <halliburt0n.com> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: February 27, 2023