

ADMINISTRATIVE PANEL DECISION

CenterPoint Energy, Inc. v. Carolina Rodrigues, Fundacion Comercio Electronico

Case No. D2023-0759

1. The Parties

The Complainant is CenterPoint Energy, Inc., United States of America ("United States"), represented by Fibbe Lightner, LLP, United States.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <centerypointenergy.com> 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 February 20, 2023. On February 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 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 (Registry Domain: 2754109873_DOMAIN_COM-VRSN) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 23, 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 February 28, 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 Respondent of the Complaint, and the proceedings commenced on March 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 23, 2023.

The Center appointed Alistair Payne as the sole panelist in this matter on April 6, 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 based in the United States operates in the field of energy delivery, including electric transmission and distribution, natural gas distribution and energy services operations. It first adopted the name "CenterPoint Energy" in 2001 and owns various trade mark registrations for this mark including United States trade mark registration No. 2863037 registered on July 13, 2004. It also operates a website connected to its domain name, registered in 2000, namely <centerpointenergy.com> through which the Complainant's customers may review their bills and make payments, monitor their electricity and gas usage, and request a service call.

The disputed domain name was registered on January 26, 2023 and resolves to a webpage which contains pay-per-click links to a number of payment processing companies.

5. Parties' Contentions

A. Complainant

The Complainant submits that it owns registered trade mark rights for its CENTERPOINT ENERGY mark as set out above. It says that the disputed domain name wholly incorporates its mark but with the addition of the letter "y". This says the Complainant does not distinguish the disputed domain name from its mark and amounts to a typosquatting of its registered trade mark rights. The Complainant submits therefore that the disputed domain name is almost identical to its registered trade mark and the addition of the letter "y" does not prevent a finding of confusing similarity.

The Complainant submits that the Respondent is not and never has been known by the disputed domain name and that it has not authorised, licensed, or otherwise permitted the Respondent to use the CENTERPOINT ENERGY marks, nor is the Complainant in any way or manner associated with or related to the Respondent. The Complainant says that based on the searches that the Complainant has undertaken, no other person or legal entity owns registered trade mark rights corresponding to CENTERPOINT ENERGY anywhere in the world, nor has anyone applied for such a registration.

The Complainant says that the Respondent offers no *bona fide* goods or services through the disputed domain name and operates no *bona fide* business. Rather, says the Complainant, the Respondent is using the disputed domain name to confuse consumers into believing they are on the Complainant's *bona fide* website so that they then mistakenly click on the misleading links on the website to which the disputed domain name resolves, by for example, thinking that they are paying an energy bill. In any event says the Complainant, the Respondent has no intent to use the disputed domain name in connection with a *bona fide* offering of goods or services as the website at the disputed domain name is solely for the purpose of misleading consumers who have mistyped the Complainant's domain name.

In terms of registration in bad faith, the Complainant submits that the Respondent registered the disputed domain name on January 26, 2023, more than twenty years after the Complainant first used its CENTERPOINT ENERGY mark and by which time the Complainant's mark was well established with millions of consumers in the United States. According to the Complainant, an Internet search at this time would have disclosed the Complainant's website under the mark irrespective of where in the world the Respondent (whose identity is hidden) is based. The Complainant suggests that the fact that the Respondent is using the disputed domain name to resolve to website pages that contain links to websites of companies for, among other things, payment processing, underscores its bad faith.

The Complainant submits that the Respondent is intentionally for commercial purposes misleading consumers searching for the Complainant's *bona fide* website and presumably, earning revenue when Internet users are re-directed through the links on the website at the disputed domain name in terms of paragraph 4(b)(iv) of the Policy. The Complainant says the Respondent is clearly hoping to profit from Internet users who misspell the Complainant's mark in searching for the Complainant's *bona fide* website at in order to pay their bills or monitor their accounts with Complainant and that this also amounts to bad faith within the meaning of paragraph 4(b)(iii) of the Policy.

The Complainant has also asserted that the Respondent makes a habit of targeting well established marks, s including AMERICAN AIRLINES (*American Airlines, Inc. v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-4950](#)); TRADER JOE'S (*Trader Joe's Company v. Domain Admin, Whois Privacy Corp. / Carolina Rodrigues*, WIPO Case No. [D2016-1147](#)); CARVANA (*Carvana, LLC v. Domain By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-4447](#)); GEICO (*Government Employees Insurance Company ("GEICO") v. Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-2044](#)), and LEGO (*Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2021-1813](#)), amongst others. It notes that In *Tosara Pharma Ltd. v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-5036](#), the panel stated: "The Panel also observes that the Respondent named as Carolina Rodrigues, Fundacion Comercio Electronico has been the unsuccessful respondent in more than 320 other UDRP proceedings that are easily located by a search of the Center's public website. The Panel therefore finds that that the Respondent is a serial offender who deliberately targeted the Complainant and is engaged in a pattern of bad faith conduct." ([WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition](#), section 3.1.2)

This says the Complainant is indicative of the Respondent's pattern of bad faith conduct and cybersquatting history and of her pattern of bad faith conduct of which the current case is a further example.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated that it owns United States trade mark registration 2863036 for CENTERPOINT ENERGY registered on July 13, 2004. The disputed domain name wholly incorporates this mark but with the addition of the letter "y". The Panel finds that the disputed domain name is therefore confusingly similar to the Complainant's trade mark registration and that the Complaint succeeds under this element of the Policy.

B. Rights or Legitimate Interests

The Complainant has submitted that the Respondent is not and has never been known by the disputed domain name and that it has not authorised, licensed, or otherwise permitted the Respondent to use the CENTERPOINT ENERGY mark. It has also asserted that it is not in any way or manner associated with or related to the Respondent. The Complainant has also said that based on the searches that it has undertaken, no other person or legal entity owns registered trade mark rights corresponding to CENTERPOINT ENERGY anywhere in the world, nor has anyone applied for such a registration.

The Complainant has further submitted that the Respondent offers no *bona fide* goods or services through the disputed domain name and operates no *bona fide* business. It has asserted that the Respondent is using the disputed domain name to confuse consumers into believing that they are on the Complainant's *bona fide* website so that they then click the links on the website to which the disputed domain name resolves, thinking for example, that they are paying an energy bill. In any event the Complainant has

submitted that the Respondent has no intent to use the disputed domain name in connection with a *bona fide* offering of goods or services as the website at the disputed domain name is solely for the purpose of misleading consumers who have mistyped the Complainant's domain name.

In these circumstances, the Panel finds that the Complainant has made out a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has failed to respond to or to rebut the Complainant's case and to explain her conduct and the Panel therefore finds that the Complaint also succeeds under this element of the Policy.

C. Registered and Used in Bad Faith

The Respondent registered the disputed domain name on January 26, 2023, more than twenty years after the Complainant first used its CENTERPOINT ENERGY mark, by which time the Complainant's mark was well established, with millions of consumers, at least in the United States. The Complainant's mark is distinctive in relation to its energy services and has enjoyed an online presence for many years. For these reasons the Panel considers that it is more likely than not that the Respondent was well aware of the Complainant's mark and business when she registered the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

This case is an example of typosquatting in which one additional letter has been inserted into the disputed domain name so that consumers who misspell the Complainant's name or who are looking for the Complainant on the Internet will be confused and re-directed to the Respondent's website in error. The links at the website to which the disputed domain name resolves appear to lead to payment processors and it is very likely that the Respondent receives some level of revenue for each click. In these circumstances the Panel finds that the requirements of paragraph 4(b)(iv) of the Policy have been fulfilled which amounts to evidence of registration and use in bad faith.

The Respondent has a long history of cyberquatting in a similar manner as described by the panelist in *Tosara Pharma Ltd. v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-5036](#). At that time the panelist noted findings against the Respondent in more than 320 cases. Consistent with the panelist's finding in that case, this Panel also finds that this is yet another example of classic cybersquatting of the kind that the Policy was intended to proscribe and that the Respondent, based on her history of registration and use of domain names in bad faith is a serial cybersquatter.

Accordingly, the Panel finds that the disputed domain name has been registered and used in bad faith and that the Complaint also succeeds under this 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 <centerypointenergy.com> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: April 20, 2023