

## **ADMINISTRATIVE PANEL DECISION**

### **Chevron Corporation and Chevron Intellectual Property LLC v. Jerry Twyman Case No. D2023-4018**

#### **1. The Parties**

Complainants are Chevron Corporation and Chevron Intellectual Property LLC, United States of America ("United States"), represented by Demys Limited, United Kingdom.

Respondent is Jerry Twyman, United States.

#### **2. The Domain Name and Registrar**

The disputed domain name <chevron-training.com> is registered with Gransy, s.r.o. d/b/a subreg.cz (the "Registrar").

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 26, 2023. On September 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 27, 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 (Not disclosed) and contact information in the Complaint. The Center sent an email communication to Complainants on September 27, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants filed an amended Complaint on September 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 Respondent of the Complaint, and the proceedings commenced on October 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on November 1, 2023.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on November 4, 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**

Complainants are related companies. Specifically, Complainant Chevron Intellectual Property LLC is the intellectual-property holding company for Complainant Chevron Corporation and its affiliated companies (collectively, “Complainant”).

Complainant is a multinational company based in the United States. For many decades prior to the registration of the disputed domain name, Complainant has provided petroleum and related products under the CHEVRON mark. Complainant owns trademark registrations for the CHEVRON mark. These include, among others, United States Registration No. 0364683 (Registered February 14, 1939), and European Union Registration No. 000095745 (Registered March 8, 1999).

The disputed domain name was registered on May 31, 2023. The disputed domain name is not linked to an active website.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant’s trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns the “well-known, famous” CHEVRON mark, which has been featured in such media as the BBC, CNBC, and the Financial Times. Complainant further contends that in addition to its trademark registrations, Complainant is the owner of the domain name <chevrontraining.com>, which resolves to a website associated with Complainant’s domain name <chevron.com>, specifically <careers.chevron.com> and which provides information regarding training and career opportunities offered by Complainant in connection with the goods offered under Complainant’s CHEVRON mark.

Complainant contends that Respondent has incorporated Complainant’s well-known CHEVRON mark into the disputed domain name and merely added a hyphen along with the dictionary term “training.” Complainant contends that Respondent lacks rights or legitimate interest in the disputed domain name, and rather has registered and is using it in bad faith, having simply acquired the disputed domain name for Respondent’s own commercial gain, likely with intent to defraud current or prospective recruits.

##### **B. Respondent**

Respondent did not reply to Complainant’s contentions.

#### **6. Discussion and Findings**

##### **6.1 Procedural matter – consolidation of Complainants**

Prior UDRP panels have found that it is appropriate for companies to bring a joint complaint where;

(i) the complainants either have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants’ individual rights in a similar fashion;

(ii) it would be equitable and procedurally efficient to permit the consolidation; or in the case of complaints brought (whether or not filed by multiple complainants) against more than one respondent, where (i) the domain names or the websites to which they resolve are subject to common control, and (ii) the consolidation would be fair and equitable to all parties.

See section 4.16 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions (“[WIPO Overview 3.0](#)”) (discussing when it is appropriate for multiple companies to serve as joint complainants).

The Panel finds that these criteria are satisfied and it is appropriate to have joint Complainants in this proceeding. See also *eBay Inc., PayPal Inc. v. Rene Rene/Wuxi Yilian LLC*, WIPO Case No. [D2015-0010](#); and *Altria Group, Inc. and Philip Morris USA Inc. v. Leonard Di Bari*, WIPO Case No. [D2014-0181](#), finding consolidation appropriate for a parent and wholly-owned subsidiaries.

## **6.2 Substantive matter**

### **A. Identical or Confusingly Similar**

The Panel must first determine whether the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that it is. The disputed domain name <chevron-training.com> incorporates in full Complainant’s registered CHEVRON mark and merely adds the dictionary term, “training,” along with a non-source-identifying hyphen.

Numerous UDRP panels have agreed that supplementing or modifying a trademark with dictionary terms does not prevent a finding of identity or confusingly similarity for purposes of satisfying this first prong of paragraph (4)(a)(i) of the Policy. See, for example, *Microsoft Corporation v. Step Web*, WIPO Case No. [D2000-1500](#); *Wal-Mart Stores, Inc. v. Horoshiy, Inc.*, WIPO Case No. [D2004-0620](#); and *General Electric Company v. Recruiters*, WIPO Case No. [D2007-0584](#).

The Panel therefore finds that the disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights in accordance with paragraph (4)(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

The Panel next considers whether Complainant has shown that Respondent has no “rights or legitimate interest,” as must be proven to succeed in a UDRP dispute. Paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name “in connection with a *bona fide* offering of goods or services;” (ii) demonstration that respondent has been “commonly known by the domain name;” or (iii) “legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

No evidence has been presented to the Panel that might support a claim of Respondent’s rights or legitimate interests in the disputed domain name, and Respondent has no license from, or other affiliation with, Complainant.

Therefore, the Panel finds that Complainant has provided sufficient evidence for a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name in accordance with paragraph 4(a)(ii) of the Policy, which Respondent has not rebutted.

### C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel's decision, the disputed domain name is not currently linked to an active website. It is nevertheless well established that having a passive website does not necessarily shield a respondent from a finding of bad faith. See [WIPO Overview 3.0](#), Section 3.3, which notes that the "non-use of a domain name" does not necessarily negate a finding of bad faith.

Rather, a UDRP panel must examine "the totality of the circumstances," including, for example, whether a complainant has a well-known trademark, and whether a respondent conceals his/her identity and/or replies to the complaint. Respondent here used a privacy service and provided an undeliverable address to the registrar. Respondent did not respond to the Complaint, nor to prior correspondence from Complainant and its agent. Furthermore, Complainant has demonstrated a high level of consumer exposure to its CHEVRON mark in jurisdictions around the world. A number of prior UDRP panels have found Complainant's CHEVRON mark to be extremely well known. See, for example, *Chevron Corporation and Chevron Intellectual Property LLC v. Privacy Service Provided by Withheld for Privacy ehf / gabriel levy*, WIPO Case No. [D2022-2616](#) (finding Complainant's CHEVRON mark to be "distinctive and famous").

Therefore, the Panel finds that Respondent registered and used the disputed domain name in bad faith for purposes of 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, <chevron-training.com>, be transferred to Complainant Chevron Intellectual Property LLC.

/Lorelei Ritchie/

**Lorelei Ritchie**

Sole Panelist

Date: November 17, 2023