

ADMINISTRATIVE PANEL DECISION

Halliburton Energy Services, Inc., v. David Darby, Halliburton Case No. D2024-0622

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 David Darby, Halliburton, United States.

2. The Domain Name and Registrar

The disputed domain name <halliburtonenergy.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 13, 2024. On February 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 15, 2024, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 16, 2024, 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 February 16, 2024.

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 February 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 11, 2024.

The Center appointed Andrew J. Park as the sole panelist in this matter on March 13, 2024. 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, Halliburton Energy Services, Inc. is a corporation organized and existing under the laws of Delaware with more than 40,000 employees, representing 130 nationalities, and operations in approximately 70 countries. The Complainant is one of the world’s largest providers of products and services to the energy industry that serves the upstream oil and gas industry throughout the lifecycle of the reservoir from locating hydrocarbons and managing geological data to drilling and formation evaluation, well construction and completion as well as optimizing production through the life of the field.

As a leader in the global energy industry, the Complainant has spent a great deal of effort and expense in protecting its valuable intellectual property rights that it has gained through developing and marketing a highly successful line of products and services. The Complainant has continually used the HALLIBURTON mark in commerce for more than 80 years and owns the live, distinctive, and well-known trademark registrations for the HALLIBURTON mark in the United States in addition to more than 370 trademark registrations in 60 countries worldwide. Also, the Complainant has registered domain names incorporating its HALLIBURTON mark, including its official website <halliburton.com>.

The Complainant owns the following U.S. trademark registrations:

Trademark or Service mark	U. S. Registration No.	Registration Date	Goods/Services
HALLIBURTON	2575819	June 4, 2002	Class 37, 40, and 42
HALLIBURTON	2575840	June 4, 2002	Class 1, 6, 7, 9, and 16

The disputed domain name was registered by the Respondent on January 8, 2024. According to evidence submitted by the Complainant, the disputed domain name redirects to the Complainant’s official website at the domain name <halliburton.com>, and it has been used as part of a fraudulent phishing scheme to impersonate the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name because:

(a) The disputed domain name is identical or confusingly similar to the Complainant’s trademark HALLIBURTON. The Complainant asserts that:

1. The Complainant’s rights in the HALLIBURTON mark are clearly established through registration and use, both in the United States and in numerous other countries around the world.
2. The Complainant contends that the disputed domain name consists of the Complainant’s distinctive trademark HALLIBURTON in its entirety, with the addition of the term “energy” which does not dispel the confusing similarity.

(b) Respondent has no rights or legitimate interests in the disputed domain name. The Complainant asserts that:

1. The Respondent is not using the dispute domain name in connection with a bona fide offering of goods or services. The Respondent must have acquired the disputed domain name for the sole purpose of exploiting the Complainant's rights, title, interest and goodwill in the HALLIBURTON mark.
2. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, rather, the evidence reflects only the Respondent's intentional mala fide use of the disputed domain name in an attempt to profit from and exploit the Complainant's HALLIBURTON mark through fraud.
3. The Respondent is not commonly known by the disputed domain name and does not hold any trademark for the disputed domain name.

(c) The disputed domain name was registered and is being used in bad faith. The Complainant asserts that:

1. The Respondent has registered the disputed domain name in bad faith, with full knowledge of the Complainant's trademarks and business activities, given that the disputed domain name is confusingly similar to the Complainant's widely-known trademark HALLIBURTON.
2. The Respondent is using the disputed domain name in bad faith, the Respondent created a website to which the disputed domain name resolved to divert Internet traffic to the Complainant's official website. The Respondent targeted prospective employees of the Complainant in a fraudulent email and phishing scheme in which the Respondent impersonated the Complainant as "The Halliburton Energy Recruitment Team" and "The Halliburton Energy Data Entry Team".
3. The Respondent's use of a privacy or proxy service which is known to block or intentionally delay the disclosure of its identity of the actual underlying registrant is another indication of the Respondent's bad faith.

The Respondent must have registered and used the disputed domain name with the aim of exploiting the Complainant's rights, title, interest and goodwill in the HALLIBURTON mark. Therefore, the Complainant alleges again that the disputed domain name was registered and is being used by the Respondent in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

This element consists of two parts: first, whether complainant has rights in a relevant trademark; and, second, whether the disputed domain name is identical or confusingly similar to that trademark.

The Panel finds that the Complainant has established registered rights in the trademark HALLIBURTON and that the disputed domain name is nearly identical to the Complainant's trademark. The Complainant's trademark HALLIBURTON is nearly identical to the second-level of the disputed domain name, with the addition of the term "energy".

Adding the word "energy" does nothing to prevent a finding of confusing similarity with the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. Similarly, the addition of the generic top-level domain ("gTLD") ".com" is a standard registration requirement and as such it may be

disregarded when assessing confusing similarity under the first element of the Policy. [WIPO Overview 3.0](#), section 1.11.1.

For these reasons, pursuant to the Policy, paragraph 4(a)(i), the Panel finds that the Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, complainant is required to make out a prima facie case that respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name. If respondent fails to do so, complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. [WIPO Overview 3.0](#), section 2.1.

Pursuant to paragraph 4(c) of the Policy, respondent may establish its rights or legitimate interests in the disputed domain name, among other circumstances, by showing any of the following elements: (i) before any notice to respondent of the dispute, respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or (ii) respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or (iii) respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Here, the Panel finds that the Complainant has made out a prima facie case.

The Panel finds that the Respondent has no relationship with or authorization from the Complainant to use its trademark. There is nothing in the record to suggest that the Respondent has made a legitimate noncommercial or fair use of the disputed domain name or has been commonly known by the disputed domain name. Also, there is no evidence that the Respondent has the intention to use the disputed domain name in connection with a bona fide offering of goods or services.

The Respondent registered the disputed domain name, which was purportedly diverting Internet users to the Complainant's official website all in an effort to confuse Internet users or consumers including the potential Complainant's employees regarding the relationship between the Respondent and the Complainant.

Moreover, the Complainant has asserted that the Respondent has used the disputed domain name to impersonate Complainant, by sending fraudulent emails to target a prospective employee pretending that it was from "the Halliburton Energy Recruitment Team" or "the Halliburton Energy Data Entry Team" which constitutes fraudulent conduct. The acts of impersonation and phishing perpetrated by the Respondent are illegal, and thus cannot confer rights to or legitimate interests in the disputed domain name to the Respondent (see [WIPO Overview 3.0](#), section 2.13.1; see also: *Salesforce.com, inc. v. Registration Private, Domains By Proxy, LLC / Doug Todd*, WIPO Case No. [D2022-2152](#), "The Panel concludes that Respondent has no rights or legitimate interests in the disputed domain name. The evidence supports Complainant's assertion that the disputed domain name is being used in connection with a phishing scheme. The use of a domain name in connection with illegal or fraudulent activity cannot establish rights or legitimate interests on a respondent."). All of these facts demonstrate that the Respondent never had an intention to use the disputed domain name in connection with a bona fide offering of goods or services.

The Panel's view is that these facts may be taken as true in the circumstances of this case in view of the use of the disputed domain name. Further, the Panel is unable to find any reasonable basis upon which the Respondent could be said to have any rights or legitimate interests in respect of the disputed domain name, and the Respondent has not filed a Response.

Accordingly, the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith.

Any one of the following is sufficient to support a finding of bad faith: (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark, or to a competitor of that the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Complainant claims that the Respondent registered and is using the disputed domain name in bad faith in violation of the Policy, paragraph 4(a)(iii). Specifically, the Complainant claims that the Respondent registered and has used the disputed domain name in bad faith by virtue of its use of the disputed domain name for a fraudulent email scheme.

As stated previously, Respondent did not file any response to the Complaint, failing thereby to rebut Complainant's allegations of Respondent's bad faith registration and use of the disputed domain name.

Nevertheless, the Panel still has the responsibility of determining which of the Complainant's assertions are established as facts, and whether the conclusions asserted by the Complainant can be drawn from the established facts (see *Harvey Norman Retailing Pty Ltd v. Oxford-University*, WIPO Case No. [D2000-0944](#)).

First, the Panel finds that the Respondent intentionally registered the disputed domain name in bad faith. The Respondent registered the disputed domain name, which is confusingly similar to the Complainant's trademark HALLIBURTON, while aware of Complainant's business and its trademark. The Complainant holds numerous registrations of the trademark HALLIBURTON in various jurisdictions worldwide including in the United States where the Complainant is from and the Respondent is reportedly located. The Respondent registered the disputed domain name in 2024, which is almost two decades after the Complainant's earliest registrations of the trademark HALLIBURTON. The Respondent incorporated the descriptive term "energy" to the Complainant's trademark, which is a term descriptive of the industry within which the Complainant operates. Lastly, the Respondent used the disputed domain name to impersonate the Complainant, which clearly illustrates the Respondent's knowledge of and intention to target the Complainant.

Second, the Panel finds that the Respondent has been using the disputed domain name in bad faith. The Complainant submitted evidence that the disputed domain name was being used by the Respondent in connection with a phishing attempt to perpetrate a fraud by sending deceitful and illicit emails to third parties while impersonating the Complainant. The Panel holds that Respondent's use of the disputed domain name for illegal activity can never confer rights or legitimate interests on Respondent and that such behavior is manifestly considered evidence of bad faith (see [WIPO Overview 3.0](#), section 2.13).

Third, Respondent used a privacy or proxy service in an effort to hide its identity or at least to delay the disclosure of the actual underlying registrant. This is further indicia of the Respondent's bad faith use of the disputed domain name.

As the conduct described above falls squarely within paragraph 4(b)(iv) of the Policy, the Panel concludes that the Respondent registered and is using the disputed domain name in bad faith pursuant to the Policy, paragraph 4(a)(iii).

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 <halliburtonenergy.com> be transferred to the Complainant.

/Andrew J. Park/

Andrew J. Park

Sole Panelist

Date: March 27, 2024.