

DISPUTE RESOLUTION SERVICE

D00016280

Decision of Independent Expert

Chevron Corporation and Chevron Intellectual Property LLC

and

Garry

1. The Parties:

Lead Complainant: Chevron Corporation
6001 Bollinger Canyon Road
San Ramon,
California
94583
United States

2nd Complainant: Chevron Intellectual Property LLC
6001 Bollinger Canyon Road
San Ramon,
California
94583
United States

Respondent: Garry
16, burutu street
Burutu
Bayelsa
101286
Nigeria

2. The Domain Name:

chevronrecruitment.co.uk

3. Procedural History:

I confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, that need to be disclosed as they might be of a such a nature as to call in to question my independence in the eyes of one or both of the parties.

17 July 2015 14:39 Dispute received
21 July 2015 11:18 Complaint validated
23 July 2015 08:42 Notification of complaint sent to parties
11 August 2015 02:30 Response reminder sent
14 August 2015 09:58 No Response Received
14 August 2015 09:59 Notification of no response sent to parties
20 August 2015 10:14 Expert decision payment received

4. Factual Background

The 2nd Complainant, Chevron Intellectual Property LLC, is a subsidiary of the Lead Complainant, Chevron Corporation. In this decision, unless otherwise indicated, “Chevron” refers to Chevron Corporation and its subsidiaries, including the 2nd Complainant.

Established in 1984, Chevron is ranked as one of the world’s largest companies. It is in the business of exploration, production, transport, refining, marketing and distribution of oil and gas throughout the world under the CHEVRON name and trade mark, which has been used by its predecessors since the 1930s.

The 2nd Complainant is the registrant of numerous CHEVRON trademarks, including CTM Registration No. 95745, CHEVRON word mark, registered on March 8, 1999 and UK Registration No. 638569, CHEVRON word mark, registered on July 16, 1945.

The Domain Name was registered in the name “Garry” on May 10, 2015. It does not resolve to a website.

5. Parties’ Contentions

The Complainants say the main distinguishing element of the Domain Name, namely the word CHEVRON, is identical to the CHEVRON name and trademark, which is well known internationally. The word ‘recruitment’ does not operate as a distinguishing element.

Chevron did not authorize the Respondent to use the CHEVRON mark nor to register the Domain Name.

The Domain Name is being used as an email address, <info@chevronrecruitment.co.uk>, to perpetrate an employment fraud, for the purpose of deceiving recipients into believing that various recruitment opportunities originate with Chevron. The email address is used in conjunction with the real name of the leader of Chevron's Human Resources department in the UK and also appears on recruitment websites and Twitter accounts in conjunction with that person's name.

The mechanism of this fraud is described in Nominet DRS decision No. D12193 relating to the registration by "Garry", the present Respondent, on December 12, 2012 of <sandersonlondonhotel.co.uk>. Transfer of that domain name was ordered on August 5, 2013.

"Garry" was also the respondent in Nominet DRS proceedings No. D15433, which concerned the domain name <chevronoilandgascompany.co.uk>, registered on July 4, 2014. That domain name was used for a similar fraudulent scam. Transfer of that domain name to Chevron was ordered on March 17, 2015. The Domain Name subject to the present proceedings was registered less than 2 months later.

Other domain names registered by the Respondent "Garry" or the variant 'Garry Mall' and used for the same fraudulent purpose include <genesisoilandgascompany.com>, <halliburtoncompany.co.uk>, <grandroyalehotel.co.uk>, <montcalmlondon.co.uk>, <kingsway-hall.co.uk>, <royalgardenhotel.co.uk> and <hmrcgroup.co.uk> (registered to "Black Scarf").

The presence of the word 'Chevron' in the Domain Name and the use of the Domain Name to perpetrate a fraud on the public by misrepresenting a connection with Chevron are evidence that the Respondent was at the time of the registration aware of Chevron's use of and rights in the name and trademark CHEVRON and that the registration and use of the Domain Name was and is 'abusive' under Nominet's DRS Policy in that it has taken unfair advantage of and is unfairly detrimental to the Complainants' rights.

The registration and use of the Domain Name was and is also abusive in that the Respondent is engaged in a pattern of registrations of domain names corresponding to well-known names or trademarks in which the Respondent has no apparent rights and the Domain Name is part of that pattern.

One such recent domain name registration by the Respondent (registered 1st December 2014) is <genesisoilandgascompany.com>. Genesis Oil and Gas Consultants Ltd is a well-known UK-based consultancy to companies which operate in the energy industry. A copy of the Genesis official warning page shows that the fraudulent activity suffered by Genesis also relates to matters of recruitment and employment. This correlation between the present case and scams relating to other companies in respect of which the Respondent has registered identical domain names demonstrates the Respondent's consistent fraudulent activity and engagement in registering domain names which correspond to well-known brands.

As mentioned, the Respondent failed to respond to the complaint.

6. Discussions and Findings

Under paragraph 2 of Nominet's DRS Policy, to obtain transfer of the Domain Name, the Complainant is required to prove, on the balance of probability, that it has Rights in respect of a name or mark which is identical or similar to the Domain Name and that the Domain Name, in the hands of the Respondent, is an Abusive Registration, defined in paragraph 1 as a Domain Name which either was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainants' Rights; or has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights.

The Complaint is supported by a witness statement of Fred Hathaway, Esq., Chevron's Acting Senior Trademark and Copyright Counsel, and several exhibits to that witness statement. In the absence of a Response, I accept the Complainants' uncontradicted assertions, noting that they are supported by the evidence presented with the Complaint.

The Domain Name comprises the Complainants' very well known CHEVRON name and trademark, together with the descriptive word "recruitment" and the inconsequential "co.uk" suffix. The word "recruitment" does nothing to detract from the distinctiveness of the CHEVRON name and mark and I find that the Complainants have Rights in respect of a name and mark which is similar to the Domain Name.

Under paragraph 3 of the Policy, a non-exhaustive list of factors which may be evidence that the Domain Name is an Abusive Registration includes:

- ii. Circumstances indicating that the Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant; and
- iii. The Complainant can demonstrate that the Respondent is engaged in a pattern of registrations where the Respondent is the registrant of domain names (under .uk or otherwise) which correspond to well known names or trade marks in which the Respondent has no apparent rights, and the Domain Name is part of that pattern.

The inclusion in the Domain Name of the word "recruitment", coupled with the CHEVRON mark conveys the meaning that the Domain Name is operated by Chevron. When registering the Domain Name the Respondent must have been fully aware of the well-known CHEVRON mark and that the Respondent had no authority from Chevron to do so. It follows from this and from the very nature of the Domain Name that it was registered in a manner which, at the time when the registration took place, took unfair advantage of or was unfairly detrimental to the Complainants' Rights.

As to paragraph 3 ii of the Policy, the evidence provided with the Complaint clearly shows that the Domain Name has been used fraudulently to mislead people into believing they are dealing with Chevron and into making various payments in furtherance of what they are led falsely to believe are employment applications with Chevron.

As to paragraph 3 iii, the evidence also shows that the Respondent has registered other well known names as domain names and has used them to engage in similar fraudulent conduct.

I therefore find that the Domain Name, in the hands of the Respondent, is an Abusive Registration.

7. Decision

I find that, on the balance of probabilities, the Complainants have rights in a name or mark which is similar to the Domain Name and that, in the hands of the Respondent, the Domain Name is an Abusive Registration.

I therefore direct that the Domain Name be transferred to the Lead Complainant, Chevron Corporation.

Signed Alan Limbury

Dated September 4, 2015