

DISPUTE RESOLUTION SERVICE

D00025780

Decision of Independent Expert (Summary Decision)

TotalEnergies SE

and

Zhao Ke

1. The Parties:

Complainant: TotalEnergies SE
La Défense 6 2 Place Jean Millier
Courbevoie
92400
France

Respondent: Zhao Ke
Jinke Road 255
Shanghai
Shanghai
201203
China

2. The Domain Name:

totalenergies.co.uk

3. Notification of Complaint

I hereby certify that I am satisfied that Nominet has sent the complaint to the Respondent in accordance with section 3 and 6 of the Policy.

Yes

4. Rights

The Complainant has, to my reasonable satisfaction, shown rights in respect of a name or mark which is identical or similar to the domain name.

Yes

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name totalenergies.co.uk is an abusive registration

Yes

6. Other Factors

I am satisfied that no other factors apply which would make a summary decision unconscionable in all the circumstances

Yes

7. Comments (optional)

The Complainant described itself as a worldwide broad energy company that produces and markets energy on a global scale. The Complainant has Rights in the name TOTAL, having conducted business under that name since 1985 and owns a large trademark portfolio composed of trademarks including the terms "TOTAL" or "TotalEnergies".

The Domain Name is an exact match for the name in which the Complainant has Rights, except that the extension ".CO.UK" has been added at the end. The Domain Name is offered for sale at €8500. The Complainant urges, and the Expert finds, that the contested domain name is (i) highly similar to the prior domain name of the Complainant totalenergies.uk, (ii) not exploited for an effective activity but (iii) through pay per click links dedicated to the energy field, the same sector as the Complainant and offered for sell for an excessive amount out of pocket, which elements show that the respondent

has made an abusive reservation of the Domain Name to sell the domain name to the Complainant at a profit or to unfairly disrupt the Complainant's business. I find the Respondent's registration of the Domain Name was an Abusive Registration.

8. Decision

I grant the Complainant's application for a summary decision. In accordance with section 12 of the Policy, the domain name will therefore be transferred to the Complainant.

Signed:

A handwritten signature in blue ink, appearing to be 'Mary [unclear]', written over a faint horizontal line.

Dated:

13 July 2023