Decision for dispute CAC-UDRP-107517

Case number	CAC-UDRP-107517
Time of filing	2025-04-28 09:52:51
Domain names	totalenergies.dev

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	TotalEnergies SE

Complainant representative

Organization	IN CONCRETO

Respondent

Name	Rivero Merlot

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant submitted evidence that it is the owner of multiple trademarks including, inter alia:

- French trademark No. 1540708: TOTAL, registered on December 5, 1988;
- International trademark No. 1469417: TOTAL (combined), registered on November 14, 2018 (valid in various countries including the United States);
- EU trademark No. 018308753: TOTALENERGIES, registered on May 28, 2021;
- International trademark No. 1601110: TotalEnergies (combined), registered on February 9, 2021 (valid in various countries including the United States).

Hereinafter referred to as the “Complainant Trademarks”.

FACTUAL BACKGROUND

The Complainant is a leading multinational energy company operating in over 130 countries, known globally under the brands TOTAL and TotalEnergies. The disputed domain name <totalenergies.dev> was registered on February 12, 2025.

PARTIES CONTENTIONS

The Complainant contends that the disputed domain name is identical to its well-known trademarks and was registered and used in bad faith, including for a phishing scheme impersonating the Complainant's UAE subsidiary.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Respondent accessed the online case file and requested a suspension of the proceedings. The Complainant did not confirm the suspension. The Respondent was informed about the time limit to file a response but did not put forward any communication other than email from May 21, 2025 stating: "Why do you want to suspend my domain name? if you have issues with my domain name you should contact my domain name registration company to relate with me whatever be the issue. Do not suspend my domain name."

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Confusing Similarity:
The disputed domain name is identical to the Complainant's Trademarks. The entirety of the word elements "TOTALENERGIES" of the Complainant Trademarks is incorporated into the domain name, and the generic Top-Level Domain (gTLD) ".dev" should be disregarded in the comparison. The Panel finds that the disputed domain name is confusingly similar to the Complainant's mark under paragraph 4(a)(i) of the Policy.

No Rights or Legitimate Interests:
The Complainant has not authorised the Respondent to use the Complainant's Trademarks, nor is there any evidence that the Respondent is commonly known by the disputed domain name. The Respondent has used the disputed domain name in a phishing scheme by creating email addresses such as "abin.varghese@totalenergies.dev" and "bids-tender@totalenergies.dev" to impersonate the Complainant's UAE subsidiary, whereby the Complainant's logo is being used in the phishing email as well as the address of the Complainant's UAE subsidiary. The Respondent also redirected the disputed domain name to the official website of the Complainant's UAE subsidiary, <totalenergies.ae>, thereby creating a misleading impression of affiliation. Such use cannot be considered a legitimate non-commercial or fair use. The Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy.

Bad Faith:

The Respondent’s conduct constitutes registration and use in bad faith. The disputed domain name was registered with full knowledge of the Complainant´s Trademarks, as evidenced by the phishing email campaign which impersonated the Complainant’s UAE subsidiary, included details such as the address and website of the Complainant’s UAE subsidiary, the Complainant’s logo, and directed recipients to respond via email, telephone, or WhatsApp. The disputed domain name was also configured with MX records to enable email usage. Redirecting the disputed domain name to the Complainant’s official UAE website further supports an intent to deceive and mislead. Finally, several of the Complainant´s Trademarks, which predate the registration of the disputed domain name by many years, are also valid in the United States—the Respondent’s country of residence.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **totalenergies.dev**: Transferred

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2025-06-05

Publish the Decision