Decision for dispute CAC-UDRP-108081

Case number	CAC-UDRP-108081
Time of filing	2025-10-29 14:27:00
Domain names	totalenergies-ng.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	TotalEnergies SE

Complainant representative

Organization	IN CONCRETO

Respondent

Organization	totallyenergiesng

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant has adduced evidence of its general international trademark portfolio. It extends to nearly 50 pages and it serves no useful purpose to repeat its full contents here. It suffices to mention by way of example that it includes:

- International Trademark No. 1469417 for the brand TOTAL in combined word and figurative form registered, on the basis of a basic French trademark, on 14 November 2018 in Nice Classification classes 01, 02, 04, 05, 06, 07, 09, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 45 – that is in a range of product and service classes by no means all associated with the petroleum (Class 4) and other energy items with which the Complainant's business is usually associated. Indeed, this trademark is registered in more than half of the classes that exist.

- International Trademark No. 1601110, again in combined word and figurative form, for the brand TOTALENERGIES, registered, once more on the basis of a basic French trademark, on 9 February 2021 in Nice Classification classes 01, 04, 07, 09, 37, 39, 40.

- International Trademark No. 1601092 for the same brand but with an altered composition of the word and figurative form employed in Trademark 1601110, registered on 18 May 2021, this time in Nice Classification classes 01, 02, 03, 04, 05, 06, 07, 09, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 45, that is, with the addition of registration under Class 3 (cleaning and toiletry products) to the set of classes covered by International Trademark 1469417.

In addition, the Complainant adduced evidence of its trademarks registered in Nigeria:

- For the same brand word and style as under International Trademark No. 16001092, a series of registrations on various dates, the first being No. 41202, registered on 2 May 2023, and the last being No. 67604, registered on 11 August 2025. Together, the registrations extend trademark protection under Nice Classification classes 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25, 28, 35, 36, 38, 40, 42, 43 and 45, i.e. to a majority of the classes that exist.

In terms of its domain name registrations, the Complainant adduced evidence of its continuing registration of the domain name <totalenergies.com>, registered on 8 March 2014. Among several other registrations, it further included evidence of that of <totalenergies.ng> on 11 February 2021.

The Registrar Verification obtained by the CAC Case Administrator shows that the disputed domain name was registered to the Respondent named in this proceeding and that the name given for his organization is “totallyenergiesng”, with an address given in Lagos, Nigeria. The Registrar Verification does not specify the date of the disputed domain name’s registration. This date is supplied in WHOIS evidence submitted by the Complainant and is 22 August 2025.

FACTUAL BACKGROUND

The Complainant, TotalEnergies SE, began its existence as the Compagnie Française des Pétroles founded in 1924. It later on assumed the Total corporate and brand name for several years, and was in 2021 renamed TotalEnergies, a brand that today ranks at No. 106 in the world by independently estimated value. The Complainant is a worldwide, well-known company that produces and markets energy sources and solutions on a global scale: oil and biofuels, natural gas and green equivalents, renewable energy sources, and electricity, without mentioning derivative products and services. The Complainant operates in more than 120 countries with over 100,000 employees through its group organization and numerous subsidiaries, and its business spans the spectrum of the energy industry from production and distribution to R&D on next-generation energy solutions. Recent annual turnover has been over €150 billion. The Complainant has been active in Nigeria for more than 60 years, mainly in hydrocarbon and gas production, and it owns more than 530 service stations there.

Evidence adduced by the Complainant shows that the disputed domain name’s e-mail servers have been activated, though without the implementation of protocols to assure e-mail recipients of the identity of the sender, in particular. Further evidence submitted is of an e-mail sent from the disputed domain name’s address. It also bears the name of the Respondent as the sender, but with a misspelling of his name in the e-mail address name itself. The e-mail purports to attach an employment contract from “TotalEnergies Nigeria E&P Ltd” to the recipient, who is invited simply to review the contract, sign it, and return it. The e-mail claims that prior steps have already been completed through the offices of a named energy-sector recruitment firm.

The Panel's routine scrutiny of the Case File disclosed, upon brief investigation under its general powers, that the Respondent registered the disputed domain name using in his contact details the postal address of an events centre in the Victoria Island business district in Lagos. The telephone number is in the mobile telephony range.

PARTIES CONTENTIONS

COMPLAINANT:

1. The Complainant’s rights

The disputed domain name “totalenergies-ng.com” reproduces the Complainant’s brand and company name “TotalEnergies” in their entirety. The addition of the hyphen and the letters “ng” in the disputed domain name cannot prevent a likelihood of confusion with the Complainant’s prior rights in “TotalEnergies” and its company name “TotalEnergies SE”. Indeed, the letters “ng” refer to the domain name extension “.ng” which is the official ICANN TLD country code domain extension for Nigeria, a territory where the Complainant is located. The addition of the hyphen reinforces this understanding, because it serves only to indicate, falsely, that the disputed domain name is employed by TotalEnergies in Nigeria. The resultant confusion so caused is all the greater considering that the Complainant is the registrant of the almost identical domain name totalenergies.ng, the Complainant’s official domain name and flagship website address in Nigeria. The structure of the disputed domain name is identical with that of the Complainant's: it entirely reproduces the Complainant’s trademark TotalEnergies in first position, with the geographical element signified by the letters “-ng” at the end. Therefore, the strong similarity produced by the composition of the disputed domain name is especially misleading and thus harmful to internet users.

2. The Respondent's lack of rights or legitimate interest in respect of the disputed domain name

The Complainant has not licensed or authorized the Respondent to use its trademarks, nor has it allowed the Respondent to reserve or use a domain name incorporating the Complainant's protected rights, whereas the Respondent must have been aware of the existence of the Complainant’s trademarks, company name, and domain names when registering the disputed domain name. Rather, the disputed domain name “totalenergies-ng.com” resolves to a parking webpage and has been configured for (illegitimate) email use, neither of which constitute a bona fide offering of goods or services. In particular, the deliberate adjunction of the hyphen with the letters “ng” demonstrates a clear case of abusive practice intended to induce and exploit misapprehension on the part of users. Lastly, the Respondent is not commonly known by the disputed domain name and is not engaged in any legitimate non-commercial or fair use of the domain name without intention of commercial gain.

3. Registration and use of the disputed domain name in bad faith

The bad faith of the Respondent may be presumed in view of the Complainant's having acquired worldwide reputation and fame for its trademarks in the industry in which it specializes through financial, material and humans' substantial investments over several decades and of the Respondent's registration of a domain name that is identical or highly similar to those trademarks, without any right, legitimate interest or authorization. The Respondent could not have ignored the existence of the Complainant's trademarks at the time of the registration of the disputed domain name. As previously mentioned, the deliberate addition of the element <-ng> in the disputed domain name demonstrates a clear case of abusive practice intended to mislead users, while the e-mail falsely offering a TotalEnergies employment contract provides proof of a scam being perpetrated associated with phishing. As a result of the carefully executed impersonation of the Complainant sought by the Respondent's bad faith registration and use in this case, the disputed domain name <totalenergies-ng.com> is highly prejudicial to the Complainant and those dealing with it.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to trademarks 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 that 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 Panel is satisfied that all procedural requirements under the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

The Panel notes that its résumé of the Parties' contentions includes for the Complainant only its arguments pertinent to reaching a decision in this administrative proceeding; it omits in particular references made in the Complaint to many past ADR Panels' Decisions.

PRINCIPAL REASONS FOR THE DECISION

The Panel finds that:

- The Respondent's combination of the Complainant's demonstrated trademark TOTALENERGIES with the geographical indicator <ng> joined by a hyphen in the disputed domain name's stem creates confusing similarity with the Complainant's protected brand, so fulfilling the requirements of the first part of the UDRP cumulative three-part test;

- Obviously false contact details furnished by the Respondent at registration, impersonation of the Complainant and then demonstrated deceptive conduct with respect to a specific internet user amply show the Respondent to have no right or legitimate interest in the disputed domain name, so fulfilling the requirements of the second part of the UDRP test; and

- The intentional manner of constructing the disputed domain name in the form it has as an instrument for impersonating the Complainant and then using the name's e-mail facilities actively to induce an internet user to provide personal information to the Respondent amount to unambiguous evidence of both its bad faith registration and use, so fulfilling the requirements of the final part of the UDRP test. The use of a parking page for commercial gain in violation of the Complainant's rights merely compounds the evidence of bad faith use.

In short, the Respondent is engaged in perpetrating a scam by means of the disputed domain name, which places not only the good

name of the Complainant at risk but also ordinary internet users, especially in Nigeria, to which the scam is primarily directed.

The Panel thus ORDERS the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **totalenergies-ng.com**: Transferred

PANELLISTS

Name	**Kevin Madders**

DATE OF PANEL DECISION 2025-12-19

Publish the Decision