Decision for dispute CAC-UDRP-108527

Case number	CAC-UDRP-108527
Time of filing	2026-03-27 08:38:09
Domain names	totalxmex.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	TotalEnergies SE

Complainant representative

Organization	IN CONCRETO

Respondent

Name	Johannes Scheinecker

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

Among others, the Complainant owns the following registered trademarks:

France Registered Trademark Number 1540708 for the mark TOTAL, registered on December 5, 1988 in Classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, and 34; and

Mexico Registered Trademark Number 854252 for the mark TOTAL MEXICO, registered on October 1, 2004 in Class 4.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a prominent French multinational integrated energy company, present in over 120 countries, which produces and markets energies on a global scale, including oil and biofuels, natural gas and green gases, renewables, and electricity. The Complainant has a large presence in South America, and notably in Mexico, since 1982, where it employs more than 6,600 employees and operates around 230 service stations. The Complainant engages in significant advertising and communications and is ranked 106th in Brand Finance's Global 500 2025 annual report on the world's most valuable and strongest brands.

The Complainant is the owner of a large, worldwide trademark portfolio which includes registered trademarks for the mark TOTAL and the mark TOTAL MEXICO, as noted in the Identification of Rights section above. The Complainant is also the owner, among others, of the domain names <total.com>, registered since December 31, 1996 and <totalenergies.mx> registered since February 1, 2021, the latter of which is used as the location for the Complainant's official Mexican website.

According to the corresponding record, the disputed domain name <totalxmex.com> was registered on February 18, 2026. The disputed domain name does not point to an active website but is configured for e-mail. On February 18, 2026, the disputed domain name was used to send a phishing e-mail to certain partners of the Complainant. The said e-mail falsely bore to be signed by, and addressed from, a current employee of the Complainant and included the Complainant's current logo. The subject line of said e-mail was "TotalEnergies México, S.A. de C.V." which is very close to the official name of the Complainant's Mexican subsidiary "Total Energies Marketing México, S.A. de C.V." A password protected electronic document entitled "TotalEnergies Mexico" was attached to said e-mail.

PARTIES CONTENTIONS

Complainant:

The disputed domain name reproduces the Complainant's TOTAL mark in its entirety with no alteration, The addition of "xmex", when combined with "total", directly refers to one of the Complainant's territories which is Mexico. The Complainant contends that "mex" is related to Mexico and the first letter "x" is a universal symbol for "and", therefore the domain name will therefore be understood as "total and Mexico", thus, the Internet user could legitimately believe that the disputed domain name is one of the dedicated websites of the Complainant for Mexico.

The disputed domain name also reproduces in its entirety the Complainant's domain name <total.com> and is very close to the domain name of the Complainant's Mexican website, <totalenergies.mx>.

The Complainant has not licensed the Respondent to use its trademarks or domain names, nor has it allowed the Respondent to reserve or use domain names incorporating the Complainant's rights. The Respondent has used the disputed domain name in a fraudulent scheme to impersonate the Complainant and its employee. Such use can never confer rights or legitimate interests upon the Respondent and is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use under the Policy.

The bad faith of the Respondent may be presumed due to the worldwide reputation and fame of the Complainant in its industrial field, such that the Respondent could not have overlooked the existence of the Complainant's trademarks when it registered the disputed domain name. The Respondent used the Complainant's trademarks, logo, and employee's name to send fraudulent e-mails, demonstrating prior knowledge of the Complainant and its rights.

Respondent:

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 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

The Complainant has demonstrated to the Panel's satisfaction that it has UDRP-relevant rights in the mark TOTAL and the mark TOTAL MEXICO by virtue of the registered trademarks listed above.

The Second-Level Domain of the disputed domain name incorporates the entirety of the Complainant's TOTAL mark with the addition of the term "xmex", a term which the Complainant contends is intended to reference the Complainant's operations in Mexico, "mex" being a recognised abbreviation for Mexico. The Panel finds that the incorporation of the Complainant's TOTAL mark in its entirety is sufficient to establish confusing similarity and that the addition of the term "xmex" does not prevent such a finding, as the TOTAL mark remains clearly recognisable. Further, the disputed domain name is also confusingly similar to the Complainant's TOTAL MEXICO mark, as the term "xmex" incorporates the widely used abbreviation for Mexico.

The Panel also notes that the disputed domain name has been used to send e-mails designed to impersonate the Complainant and a member of its staff. Such use, which clearly trades off the Complainant's rights, in the Panel's view, affirms confusing similarity.

The generic Top-Level Domain ("gTLD") ".com" is disregarded for comparison purposes, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons only.

With regard to the second element of the Policy, the Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant asserts that it has no relationship with the Respondent. The disputed domain name amounts to a variant of the Complainant's TOTAL and TOTAL MEXICO marks, and seems to be designed to appear similar to the Complainant's domain names <totalenergies.mx> and <total.com>. The Complainant shows that the disputed domain name has been used in connection with a fraudulent e-mail scheme. Ultimately, the disputed domain name has been used to attempt to confuse the Complainant's partners into believing that it is associated with the Complainant when it is not. This cannot confer rights and legitimate interests upon the Respondent.

The Respondent has not replied to the Complainant's allegations and evidence in this case and has failed to set out any alleged rights or legitimate interests which it might have claimed in the disputed domain name. There are no submissions or evidence on the record which might serve to rebut the Complainant's prima facie case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

As noted in the consideration of the rights and legitimate interests' topic, the disputed domain name appears to the Panel intentionally to incorporate the Complainant's trademarks and to mimic the Complainant's domain names. The evidence before the Panel shows that the Complainant's TOTAL and TOTAL MEXICO marks pre-date the date of registration of the disputed domain name and are well-known. The Complainant's TOTAL mark is in widespread use worldwide, not least in connection with the Complainant's primary domain name. The disputed domain name has been used on the date of its registration in a manner which is clearly intended to imitate the Complainant, namely, to send an e-mail in a phishing scheme, the subject line of which closely resembles the name of the Complainant's subsidiary in Mexico, and in which the sender of the e-mail has passed itself off as an employee of the Complainant. A version of the Complainant's logo is reproduced in said e-mail. In these circumstances, it is entirely reasonable to infer that the disputed domain name was registered by the Respondent with knowledge of the Complainant and its rights, and with an intent to target these unfairly and illegally. Consequently, there appears to the Panel to be no possible good faith reason for the Respondent to have selected the disputed domain name, and there are demonstrable indications of bad faith present in this case.

In all of these circumstances, the Panel considers that the Complainant has made out a sufficient case of registration and use in bad faith. The Respondent has not filed a Response in this case and therefore has not addressed the Complainant's assertions of bad faith registration and use to any extent. No explanation has been presented by the Respondent that might have suggested that its actions regarding the disputed domain name were in good faith.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **totalxmex.com**: Transferred

PANELLISTS

Name	**Andrew Lothian**

DATE OF PANEL DECISION 2026-04-22

Publish the Decision