



# ASIAN DOMAIN NAME DISPUTE RESOLUTION CENTRE

(Kuala Lumpur Office)

## ADMINISTRATIVE PANEL DECISION

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<b>Case No.</b>	<b>AIAC/I/ADNDRC-595-2018</b>
<b>Complainant:</b>	<b>Petroliam Nasional Berhad</b>
<b>Respondent:</b>	<b>Cornelius Malloy</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;CAREERS-PETRONAS.COM&gt;</b>

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### 1. The Parties and Contested Domain Name

The Complainant is Petroliam Nasional Berhad, of Level 68, Tower 1, Petronas Twin Towers, Kuala Lumpur City Centre, 50088, Kuala Lumpur, Malaysia and is represented in these proceedings by Mr. Timothy Siaw of Messrs. Shearn Delamore & Co, of 1 Leboh Ampang, 7<sup>th</sup> Floor, Wisma Hamzah Kwong-Hing, 50100, Kuala Lumpur, Malaysia.

The Respondent is Cornelius Malloy, of 2809, Surrey Oaks Ct, Corinth, Texas 76210, United States of America.

The domain name in question is <CAREERS-PETRONAS.COM> (“*Disputed Domain Name*”), registered by the Respondent with Wild West Domains, LLC, of 14455 North Hayden Road, Suite 226, Scottsdale, AZ 85260, United States of America (“*the Registrar*”).

## 2. Procedural History

On 5 June 2018, pursuant to the Internet Corporation For Assigned Names And Numbers (ICANN) Uniform Domain Name Dispute Resolution Policy (“*the Policy*”), the Rules for Uniform Domain Name Dispute Resolution Policy (“*the Rules*”) and the Asian Domain Name Dispute Resolution Centre Supplementary Rules to the ICANN Uniform Domain Name Dispute Resolution Policy and the Rules for the Uniform Domain Name Dispute Resolution Policy (“*the Supplemental Rules*”), the Complainant filed a Complaint in the English language with the Kuala Lumpur Office of the Asian Domain Dispute Resolution Centre (“*ADNDRC-KL*”) and elected to have the case in question be dealt with by a single member panelist.

On 4 July 2018 [01:37], the *ADNDRC-KL* sent a Written Notice of Complaint in the English language (“the said Notice”), together with the Complaint Form C enclosed with annexures to the email address of the Respondent’s contact for the *Disputed Domain Name* (as recorded in the WHOIS database, the Respondent’s email address is pyvng1@aol.com). The said Notice gave the Respondent twenty (20) calendar days to file a Response, i.e. on or before 24 July 2018).

The *ADNDRC-KL* informed the Respondent that the Complaint is in compliance with the administrative procedures of *the Policy* and that the formal date of the commencement of the administrative proceedings is that of 4 July 2018.

On 25 July 2018, the *ADNDRC-KL* sent an email [16:11] to Mr. Christopher To enquiring from him as whether he can act as a domain name dispute resolution panelist and if so whether he can act independently and impartially in the matter in question.

On 25 July 2018, Mr. Christopher To sent an email [16:46] to the *ADNDRC-KL*, confirming that he is able to take on the reference and that he does not have a conflict of interest in the matter on hand.

On 26 July 2018, the *ADNDRC-KL* sent a Notice of Appointment to Mr. Christopher To and the parties by email [09:01] confirming Mr. Christopher To appointment in the matter in question [hereinafter referred to as “*the Panel*”].

On 26 July 2018, the *ADNDRC-KL* sent an email [09:26] to the Panel informing the Panel that the Respondent had not filed a response to the Complaint within the stipulated timeframe i.e. on or before 24 July 2018.

In accordance with Rule 15(a) of the *Rules*, the Panel shall decide the Complaint on the basis of the statements and documents submitted.

Also, according to Rule 15(d) of the *Rules* this Panel shall issue a reasoned decision.

### **3. Factual background**

#### **For the Complainant**

The Complainant is a company incorporated in Malaysia. According to its official website <http://www.petronas.com.my> it is the custodian for Malaysia’s national oil and gas resources and was established in 1974.

On 17 May 2018, the Complainant logged a complaint with the Registrar requesting the Registrar to “...*immediately cancel the registration of the Offending Website in the following grounds:*

- (a) The Registrant has breached your Domain Name Registration Agreement.*
- (b) The unauthorized use of PETRONAS in Offending Website’s domain name infringes our statutory and common law trade mark rights.*
- (c) The Offending Website has been used for fraudulent or otherwise criminal activities.*
- (d) Numerous members of the public are being defrauded and misled by the Registrant/Administrators of the Offending Website.*
- (e) PETRONAS suffers and continues to suffer loss and damage (including business reputation and public goodwill) if the Offending Website is not cancelled...”*

The Complainant stated in its Complaint that the Registrar did not respond to its letter of 17 May 2018.

On 18 May 2018, the Complainant wrote to Zoho Corp, the user of the *Disputed Domain Name* complaining of “*misappropriation or misrepresentation*” of the *Disputed Domain Name* and requested Zoho Corp to remove advertisements on the *Disputed Domain Name* website. The Complainant also stated that “*we have lodged complaints...with Wild West Domains LLC for immediate cancellation of the website*”. The Complainant also stated in its Complaint that it had not received any response from Zoho Corp to its letter of 18 May 2018.

The Complainant is as at all material times the registered proprietor of the trademark “PETRONAS” in 45 trade mark classes in Malaysia and in various classes internationally including the United States of America in classes 1, 4, 12, 16, 18, 25, 35, 37, 39, 40, 41 and 42 respectively.

### **For the Respondent**

The Respondent, Cornelius Malloy, is an individual residing in the United States of America.

On or around 6 October 2017, the *Disputed Domain Name* was registered by the Registrar in the name of Cornelius Malloy.

In the light of the WHOIS search record dated 17 May 2018, the holder of the contested domain name is Cornelius Malloy.

On 26 July 2018, the *ADNDRC-KL* sent an email notifying the Panel that the Respondent failed to submit a response within the prescribed timeframe (i.e. on or before 24 July 2018). As such, the Respondent has not contested the allegations of the Complaint and is in default.

## **4. Parties’ Contentions**

### **A. Complainant**

The Complainant’s contentions may be summarized as follows:

#### **(i) Disputed Domain Name is confusingly similar to the Complainant’s trademarks**

The Complainant contends the following:

- a) The Complainant's business dealing is extensive and is ranked amongst the Fortune Global 500 businesses.
- b) The Complainant coined and has used the "PETRONAS" mark since at least 1974.
- c) "PETRONAS" has no common meaning other than the abbreviation for the Complainant's name, Petroliam Nasional Berhad.
- d) The Complainant is the registered proprietor, common law and/or beneficial owner of the "PETRONAS" mark worldwide.
- e) The Respondent has breached the Domain Name Registration Agreement.
- f) The *Disputed Domain Name* contains the Complainant's trademark "PETRONAS". The mark is registered in Malaysia and internationally including the United States of America.
- g) The Complainant has acquired substantial goodwill and reputation in the "PETRONAS" mark.
- h) The Complainant is a major sponsor of Formula One car racing and in 2010 became the title sponsor for the MERCEDES AMG PETRONAS Formula One Team.
- i) The use of the word "careers" before the "PETRONAS" mark in the *Disputed Domain Name* does not negate the confusing similar effect to that of the Complainant's official website and that of the web pages from the Complainant's site at [www.petronas.com.my/careers](http://www.petronas.com.my/careers).
- j) The Complainant drew to the Panel's attention of the case of HK-1400676, in which the Tribunal in that case stated that the use of the Complainant's mark "ALIBABA" in the disputed domain name <alibaba.careers> would likely lead to the public being deceived and confused as to the origins of the goods and /or services provided by the *Disputed Domain Name*. When comparing the trademark

with the *Disputed Domain Name*, the Tribunal in the “ALIBABA” case clarified that it has long been held that the generic top-level domain “.careers” can be ignored. The Complainant drew to the Panel’s attention the similarity of the “ALIBABA” case and the present case, in that the prefix “careers-” before the Complainant’s mark “PETRONAS” should also be ignored.

- k) The use of the *Disputed Domain Name* amounts to an infringement of the Complainant’s “PETRONAS” mark and attempts to defraud members of the trade and public as well as infringe the Complainant’s statutory and common law trade mark rights.
- l) Use of the *Disputed Domain Name* will inevitably lead the general public to be confused into believing that the Complainant had approved or authorized the Respondent to use the *Disputed Domain Name*, which tantamount to the commission of the common law tort of passing in Malaysia and other common law jurisdictions.
- m) The *Disputed Domain Name* has been used for fraudulent or otherwise criminal activities and as such the Complainant continues to suffer loss and damage (including reputational and goodwill) if the *Disputed Domain Name* is not cancelled.

For the foregoing reasons, the Complainant submits that there is a prima facie case that the Respondent’s *Disputed Domain Name* is confusingly similar to the Complainant’s trademarks.

(ii) **The Respondent has no right or legitimate interest in respect of the disputed domain name**

The Complainant contends that, the Respondent is not connected to the Complainant nor has the Complainant authorized or licensed the Respondent in any way or form to use the “*PETRONAS*” mark.

The Complainant further contends that the “*PETRONAS*” is a word and mark invented by the Complainant and has no other meaning except to identify the Complainant and its group of companies.

For the foregoing reasons, the Complainant submits that there is a prima facie case that the Respondent has no right or legitimate interest in registering and using the *Disputed Domain Name*.

(iii) **The Respondent has shown bad faith in registering and using the domain name**

The Complainant contends that the choice and registration by the Respondent of the *Disputed Domain Name* containing the “*PETRONAS*” mark cannot be an innocent coincidence but rather a deliberate, brazen and ill-intentioned attempt to misappropriate the Complainant’s goodwill and reputation associated with the “*PETRONAS*” name and mark.

The Complaint further contends that job interview invitations have been issued from [hrdepat@careers-pertronas.com](mailto:hrdepat@careers-pertronas.com) These invitations did not originate from the Complainant or its affiliate organisations. Those receiving the emails are directed to contact a “*designated travel consultant*” with the view of this consultant processing travel arrangements for the



interview, in which recipients of the email are asked to advance a sum of money to cover for travel related expenses such as visa, ticketing, accommodation and transport on the (false) assurance that the sum advanced would be reimbursed by PETRONAS at a later date.

The Complaint also drew to the Panel's attention that the *Disputed Domain Name* diverts internet users to the webpage of <zoho.com> and as such the Respondent is acting in bad faith by diverting user traffic as well as promoting the goods and services offered by <zoho.com> which has not in any shape or form been authorized by or connected with the Complainant.

For the foregoing reasons, the Complainant submits that there is a prima facie case that the Respondent has shown bad faith in registering and using the *Disputed Domain Name*.

In gist, the Complainant asserted that all of the 3 elements as aforementioned have been satisfied in this case, the Complainant seeks to ask the Panel to make an order that the *Disputed Domain Name* be cancelled.

## **B. Respondent**

The Respondent's contentions may be summarized as follows:

On or around 6 October 2017, the *Disputed Domain Name* <CAREERS-PETRONAS.COM> was registered by Wild West Domains, LLC in the name of Cornelius Malloy.

On 26 July 2018, the *ADNDRC-KL* sent an email [09:26] to the Panel informing the Panel that the Respondent failed to submit a response within the prescribed timeframe (i.e. on or before 24 July 2018). As such, the Respondent has not contested the allegations of the Complainant and is in default.

In gist, the Respondent has not asserted any claims, defenses or contentions, nor submitted any evidence denying the claims alleged by the Complainant.

## **5. Findings**

### **A. The Language of the Proceedings**

The Complainant referred the Panel to paragraph 20 of the Wild West Domains, Domain Name Registration Agreement dated 17 May 2018, where it stated that:

*“This Agreement, along with all policies and the applicable product agreements identified above and incorporated herein by reference (collectively, the “Agreement”), is executed in the English language. To the extent any translation is provided to you, it is provided for convenience purposes only, and in the event of any conflict between the English and translated version, where permitted by law, the English version will control and prevail. Where the translated version is required to be provided to you and is to be considered binding by law (i) both language versions shall have equal validity, (ii) each party acknowledges that it has reviewed both language versions and that they are substantially the same in all material respects, and (iii) in the event of any discrepancy between these two versions, the translated version may prevail, provided that the intent of the Parties has been fully taken into consideration.”*

Paragraph 11 (a) of the **Rules** provides that:

*“Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.”*

In the present case the Parties had not agreed to use a particular language for these proceedings. As the Registration Agreement is in the English language then in accordance with Article 11(a) of the **Rules** the language of the administrative proceedings shall be in the English language. In these circumstances given that the Complaint is drafted in the English language which is in line with the Registration Agreement and that the Respondent has failed to communicate on the matter, the Panel considers that it would be appropriate (and without prejudice to any of the parties) for the present proceedings to be conducted in the English language.

**B. Discussions and Findings**

Having considered all the documentary evidence before me, and the Respondent’s non-participation in these proceedings after being afforded every opportunity to do so in accordance with Paragraph 5(f) of the **Rules**, the Panel is of the view that it should proceed to decide on the **Disputed Domain Name**, namely <CAREERS-PETRONAS.COM> based upon the Complaint and evidence adduced by the Complainant.

Paragraph 5 (f) of the **Rules** stipulates that:-

*“If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint.”*

The **Policy** provides, at Paragraph 4(a), that each of three findings must be made in order for a Complaint to prevail:

- i. The Respondent’s domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. The Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. The Respondent’s domain name has been registered and is being used in bad faith.

**i. Identical / Confusingly Similar**

Paragraph 4(a)(i) of the **Policy** requires the Complainant to prove that the **Disputed Domain Name** is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The main parts of the **Disputed Domain Name** are “**CAREERS**” and “**PETRONAS**”. Firstly, the **Disputed Domain Name** contains the trademark and domain name <petronas> of the Complainant. Secondly, “careers” is generic, and consumers will easily understand <careers-petronas> as being affiliated with the Complainant. Thirdly, the business of the Complainant is global and those seeking employment with the Complainant will assume that the **Disputed Domain Name** is in some way or form associated with the Complainant thus

substantively causing confusion amongst consumers and those seeking employment with the Complainant.

Taking into consideration of the evidence and background history submitted by the Complainant, the Panel considers that the Complainant has established that the “*PETRONAS*” mark has acquired distinctiveness through extensive use by the Complainant in trade and commerce in various jurisdictions around the world since at least 1974 [See *Philip Morris USA Inc v. Wan Wang*, WIPO Case No. D2011-0584 and *Philip Morris USA, Inc. v. Michele Dinoia, SZK.com*, WIPO Case No. D2005-0171].

In view of the search engine results on the mark “*PETRONAS*” undertaken by the Panel, the Panel accepts that the “*PETRONAS*” mark is also widely recognized by members of the public as being the Complainant itself.

Paragraph 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”) (hereinafter called “WIPO Panel Views”) states that, “*It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant’s trademark and the disputed domain name. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name*”. As such the incorporation of a trademark in its entirety is sufficient to establish that the disputed domain name is identical or confusingly similar for the purposes of the **Policy**. [See *Kabushiki Kaisha Hitachi Seisakusho (d/b/a Hitachi Ltd) v. Arthur Wrangle*, WIPO Case No. D2005-1105].

In terms of the trademark registration, the Panel is convinced that the trademark rights are well known around the world given that the “*PETRONAS*” marks have been validly registered in various jurisdictions around the world including the United States of America.

The Panel considers that the identifiable part of the *Disputed Domain Name* “PETRONAS” is clearly identical to the Complainant’s “PETRONAS” mark. As previous domain name dispute resolution Tribunals have recognized, the incorporation of a trademark in its entirety is typically sufficient to establish that a domain name is identical or confusingly similar to the Complainant’s registered mark [See *RapidShare AG, Christian Schmid v. InvisibleRegistration.com, WIPO Case No. D2010-1059* and *Six Continents Hotels, Inc v. Georgetown Inc., WIPO Case No. D2003-0214* – in which the Tribunal in that case stated that “hyphens” ‘-’ “do not serve to dispel Internet user confusion”]

As aforementioned, the Respondent has not contested the allegations of the Complaint and is in default.

For all the foregoing reasons, the Panel concludes that the Complainant has discharged its burden of proof to establish the elements of identical and confusingly similar mark as stipulated in Paragraph 4(a)(i) of the *Policy*.

## ii. Rights and Legitimate Interests

The burden of proof shifts to the Respondent once the Complainant provides prima facie evidence showing that the Respondent lacks legitimate rights or interests. [*Neusiedler Aktiengesellschaft v. Kulkarni, WIPO Case No. D2000-1769*]

Paragraph 4(c) of the *Policy* provides, *inter alia*, that the burden of proof vests on the Respondent to prove and satisfy the following circumstances, in order to demonstrate that it has rights and legitimate interests in the *Disputed Domain Name*:

- (i) *before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or*

- (ii) *you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or*
- (iii) *you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.*

There is no evidence to prove that the Respondent has any prior rights relating to “*PETRONAS*” mark or similar marks, nor did the Respondent claim any civil rights in relation to them, nor did the Respondent obtain authorization from the Complainant to register the ***Disputed Domain Name***. The Respondent is not affiliated in any way or form with the Complainant.

In the present case, the Respondent has failed to contest the proceedings. The Panel accepts that the Respondent has failed to provide any evidence to support its rights and legitimate interests in using the ***Disputed Domain Name***, nevertheless the Complainant is still required to prove that the Respondent has no rights and legitimate interests.

As aforementioned, the Panel is convinced that the Complainant has acquired rights and interests in the “*PETRONAS*” mark, including but not limited to the United States of America. The Complainant has been using the “*PETRONAS*” mark since the year 2002, which predates the registration of the ***Disputed Domain Name*** [6 October 2017] by about 15 years. The Panel is of the view that the word “*PETRONAS*” does not reflect the Respondent’s name nor has the Respondent registered any trade mark reflecting the ***Disputed Domain Name*** elsewhere including the United States of America.

Further, the Panel is of the view that the decision in *Cathay Pacific Airways Limited v. Tang Nguyen Case No. HK-0400054* has some relevance to the matter on hand, whereby the Tribunal in that case stated that:-

*“The addition of the common word “airline” is not sufficient to remove the very real risk of confusion from the Mark or the Complainant’s own website...given the weight of evidence in relation to the substantial name and reputation vested in the Complainant’s Mark worldwide, and particularly in Asia, something the Respondent must have been aware of ...the panel finds that the Respondent’s prior use of the Disputed Domain Name was not bona fide.”*

With regard to the use of the *Disputed Domain Name* by the Respondent, this Panel considered the decision of *Paris Hilton v. Deepak Kumar, WIPO Case No. D2010-1364* is of relevance, whereby the Tribunal in that case concluded that:-

*“the assessment of rights or legitimate interests boils down to a question as to whether the Respondent is using the domain name with the Complainant’s marks in mind and with a view to taking unfair advantage of the reputation of the Complainant’s marks?”.*

In this case, the Panel considers that it is apparent from the prima facie evidence that the Respondent knowingly used the *Disputed Domain Name* notwithstanding its knowledge of the established reputation of both the Complainant and its “*PETRONAS*” mark. Such acts of the Respondent clearly shows that the Respondent deliberately misled internet users into believing that the *Disputed Domain Name* is identical to the



Complainant's site, enabling the Respondent to obtain commercial gain (through upfront payments in relation to potential alleged interviews with the Complainant's organization and affiliate companies) from internet users who accessed the *Disputed Domain Name*.

For the forgoing reasons, the Panel concludes that the Respondent does not have any rights and legitimate interests in respect of the *Disputed Domain Name* pursuant to paragraph 4(a)(ii) of the *Policy*.

**iii. Bad Faith**

Paragraph 4(b) of the *Policy* sets out four (4) factors in which the Panel shall take into account in determining whether the Respondent has registered and used the *Disputed Domain Name* in bad faith. The prescribed four (4) factors are as follows:

- “ (i) *circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or*
- (ii) *you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or*
- (iii) *you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or*
- (iv) *by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location,*

*by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.”*

In view of the evidence before this Panel, the Panel considers that the Respondent should have had knowledge of the rights of the Complainant on the “*PETRONAS*” mark at the time of registering the *Disputed Domain Name* on 6 October 2017, in particular to the Complainant’s reputation and goodwill in the Asia-Pacific region as a sturgeon supporter of Formula One car racing.

Previous domain name dispute resolution Tribunals have found that “*where the reputation of a complainant in a given mark is significant and the mark has strong similarities to the disputed domain name, the likelihood of confusion is such that bad faith may be inferred*” [See *Verner Panton v. Fontana di Luce Corp, WIPO Case No. D2012-1909*].

The Panel contends that the Respondent’s bad faith is further evident by Paragraph 4(b)(ii),(iii) and (iv) of the *Policy*:

*(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct;*

The registration of the *Disputed Domain Name* <CAREERS-PETRONAS.COM > prevents the Complainant from registering it.

*(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor;*

The ***Disputed Domain Name*** <CAREERS-PETRONAS.COM> is used to allure and/or convince potential job seekers who wish to be employed by the Complainant to part with their funds in relation to alleged “*false job interviews*” to be arranged with the Complainant through a “*designated travel consultant*” as directed by the Respondent. As such the ***Disputed Domain Name***, through its actual use, is to disrupt, discredit and embarrass the business of the Complainant.

*(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.*

The ***Disputed Domain Name*** is identical to the Complainant’s “*PETRONAS*” mark thus demonstrating that its sole purpose of passing off as the Complainant.

The Complainant further confirms that the ***Disputed Domain Name*** diverts internet users to a website <zoho.com> with the view of promoting the goods/services provided by the website <zoho.com> which is not affiliated or related in any shape or form to that of the Complainant nor has the Complainant authorized such an action. Through such a behavior the Respondent attempts to confuse/mislead consumers into believing that the goods/services offered on the website <zoho.com> are somewhat associated with and endorsed by the Complainant thus creating a likelihood of confusion with the intention to attract internet users to the website <zoho.com> for commercial gain.

This Panel further considers the case of *Cathay Pacific Airways Limited and Tang Nguyen HK-0400054* where the Tribunal in that case stated that “*The name/mark “CATHAY PACIFIC” is an invented mark and is not a term commonly used in the daily English language. The Complainant mainly uses the name/mark “CATHAY PACIFIC” in its global airline business. It is said that it cannot be a mere co-incidence that the Respondent has chosen the Disputed Domain Name comprising of both the words “CATHAY PACIFIC” and “AIRLINE” as a domain name. Therefore the Respondent is seeking to ride on the name and reputation of the Complainant and uses the Disputed Domain Name, which is substantially similar to the Mark, deliberately in order to attract, for commercial gain, Internet users to the website [www.flightreservationsonline.com](http://www.flightreservationsonline.com) and to divert them to another website [www.bookairlinetickets.com](http://www.bookairlinetickets.com), both of which offer airline ticket reservation services, by creating a likelihood of confusion with the Mark as to the source and affiliation of these airline-related websites*”.

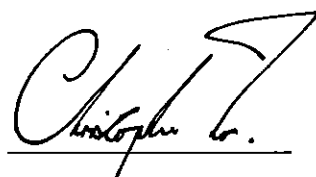
In the present case, the evidence submitted by the Complainant clearly shows that the Respondent has an intention to mislead and/or to deceive internet users into believing that the ***Disputed Domain Name*** is that of the Complainant’s by registering the ***Disputed Domain Name*** on 6 October 2017.

The evidence submitted by the Complainant is sufficient to establish the fact that the “***PETRONAS***” mark is uniquely associated with the Complainant.

On this basis, the Panel finds that the Complainant has demonstrated that the Respondent registered and used the ***Disputed Domain Name*** in bad faith and as such the Complainant has satisfied paragraph 4(a) (iii) of the ***Policy***.

## 6. Decision

For the foregoing reasons and in accordance with Paragraph 4 of the *Policy*, the Panel is satisfied that the Complainant has sufficiently proved the existence of all three elements pursuant to Paragraph 4(a) of the *Policy*. The Panel orders that the *Disputed Domain Name* < CAREERS-PETRONAS.COM > be cancelled.

A handwritten signature in black ink, appearing to read "Christopher To.", written over a horizontal line.

“Dr. Christopher To”  
Panelist

Dated: 9<sup>th</sup> August 2018