

ADMINISTRATIVE PANEL DECISION

Banco Bradesco S/A v. Nam
Case No. D2022-1551

1. The Parties

The Complainant is Banco Bradesco S/A, Brazil, represented by Pinheiro, Nunes, Arnaud E Scatamburlo Advogados, Brazil.

The Respondent is Nam, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <bradescobank.com> is registered with Megazone Corp., dba HOSTING.KR (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 28, 2022. On April 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 2, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On May 5, 2022, the Center notified the Parties in both English and Korean that the language of the registration agreement for the disputed domain name is Korean. On May 5, 2022, the Complainant requested for English to be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, in English and Korean, and the proceedings commenced on May 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 16, 2022.

The Center appointed Kathryn Lee as the sole panelist in this matter on June 27, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is one of the largest banking institutions in Brazil. It was established in 1943 and now has 8,400 service points, 4,600 branches, and 1,400 automated teller machines (“ATMs”) throughout Brazil, with affiliates in New York, Luxembourg, Tokyo, Buenos Aires, and Grand Cayman. The Complainant owns a trademark registration for BRADESCO in class 36, registered in Brazil on June 10, 1980 (No. 007170424).

The Respondent appears to be an individual with an address in the Republic of Korea.

The disputed domain name was registered on November 19, 2012, and resolves to a domain parking site with pay-per-click links.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the BRADESCO trademark in which the Complainant has rights. Namely, the Complainant asserts that the disputed domain name contains the Complainant’s trademark BRADESCO, and as it is combined with the term “bank” which is exactly the Complainant’s business, the disputed domain name is likely to cause consumer confusion.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect.

Finally, the Complainant contends that the disputed domain name was registered and is used in bad faith. The Complainant states that the disputed domain name forwards to a website displaying pay-per-click links with no reference to the Respondent’s own business, and that this is freeriding on the goodwill of the Complainant’s trademark. The Complainant also states that the disputed domain name is offered for sale for EUR 15,000 and that this shows that the Respondent intends to profit from the sale of the disputed domain name, which is indicative of bad faith.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

A. Language

Paragraph 11(a) of the Rules provides that the language of the proceeding shall be the language of the registration agreement, unless otherwise agreed to by the parties, subject to the authority of the panel to determine otherwise. In this case, the language of the Registration Agreement is Korean, and both Parties have had an opportunity to argue their positions on this point. The Center issued a notice in Korean and English stating that it would accept the Complaint filed in English, and that the Response would be accepted in either Korean or English. The Respondent subsequently chose not to submit any response.

In the circumstances of this case, including the fact that the Complainant is based in Brazil and the Respondent is based in the Republic of Korea, English would appear to be the fairest neutral language for rendering this decision. Both parties were given the opportunity to submit arguments in the language of their preference, and the language in which to render the decision is reserved for the Panel. The Panel would have considered a Response in Korean, but no response was submitted. Accordingly, the Panel determines that proceeding in English is fair and procedurally efficient given the circumstances of this case.

B. Identical or Confusingly Similar

The Complainant has demonstrated with supporting evidence that it has rights to the trademark BRADESCO, registered well before the registration of the disputed domain name. As for the disputed domain name, it contains the BRADESCO mark in its entirety along with the term “bank”. According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7, a domain name is considered confusingly similar to a trademark if it “incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name”. In this regard, the BRADESCO mark is readily recognizable within the disputed domain name. The additional term “bank” does not prevent a finding of confusing similarity (see [WIPO Overview 3.0](#), section 1.8).

For the reasons mentioned above, the Panel finds that the first element has been established.

C. Rights or Legitimate Interests

On the basis of the present record, the Panel finds that the Complainant has made the required allegations to support a *prima facie* showing that the Respondent has no rights or legitimate interests in the disputed domain name. Once such a *prima facie* basis has been established, the Respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name. However, the Respondent in this case has chosen to file no response to these assertions by the Complainant, and there is no evidence or allegation in the records that would warrant a finding in favor of the Respondent on this point.

Besides, a respondent’s use of a domain name is not considered “fair” if it falsely suggests affiliation with the trademark owner. See [WIPO Overview 3.0](#), section 2.5.1. Here, the dominant element of the disputed domain name corresponds exactly to the Complainant’s mark, supported by the additional term “bank” which correlates to the Complainant’s business, which carries a risk of implied affiliation. Further, the Respondent’s use of the disputed domain name for a domain parking page does not represent a *bona fide* offering of goods or services given that the disputed domain name is confusingly similar to the Complainant’s trademark and such use trades on the reputation and goodwill associated with the mark. See [WIPO Overview 3.0](#), section 2.9.

For the reasons provided above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the second element has been established.

D. Registered and Used in Bad Faith

The Panel finds that there is sufficient evidence to find bad faith in this case.

First, it should be considered quite a coincidence for the Respondent to have registered the disputed domain name which consists of the Complainant’s exact trademark combined with “bank” which is the business of the Complainant. Rather, especially with no response to claim otherwise, it is more probable that the Respondent learned of the availability of the disputed domain name, and registered it with the intention of benefiting from the fame of the BRADESCO mark in some way. Indeed, by linking the disputed domain name with a parking page displaying pay-per-click links, the Respondent created a likelihood of confusion and benefited commercially from the confusion of Internet users that visited the site by mistake as per paragraph 4(b)(iv) of the Policy. Indeed, there does not seem to be any plausible good faith explanation for the registration and use of this inherently misleading domain name.

For the reasons given above, the Panel finds that the third and final element has been sufficiently established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <bradescobank.com>, be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: July 11, 2022