

ADMINISTRATIVE PANEL DECISION

Incognia Tecnologia da Informação Ltda. v. Web.com Holding Account / New Ventures Services, Corp
Case No. D2022-3425

1. The Parties

Complainant is Incognia Tecnologia da Informação Ltda., Brazil, represented by Montaury Pimenta, Machado & Vieira de Mello, Brazil.

Respondent is Web.com Holding Account, United States of America / New Ventures Services, Corp, United States of America.

2. The Domain Name and Registrar

The disputed domain name <inlocoengage.com> (the “Domain Name”) is registered with Soaring Eagle Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 15, 2022. On September 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 16, 28, and October 6, 2022, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

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 Respondent of the Complaint, and the proceedings commenced on October 12, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 1, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 2, 2022.

The Center appointed Clive L. Elliott, K.C., as the sole panelist in this matter on November 11, 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

Complainant (formerly known as In Loco Tecnologia da Informação S.A.), is a technology company established in Brazil in 2013, providing intelligent solutions for businesses based on location data.

In 2021, Complainant changed its corporate name from “In Loco Tecnologia da Informação S.A” to “Incognis Tecnologia da Informação Ltda”. It has been known as “In Loco”, which is the name of Complainant’s platform created to help customers understand consumer behavior based on real data.

Complainant provides many services under the IN LOCO name and brand, including “In Loco RWA”, “In Loco Media”, “In Loco For Apps” and “In Loco Engage”.

Complainant’s IN LOCO and IN LOCO ENGAGE marks (“Complainant’s Marks”) have been widely used by Complainant since at least 2013 and 2017 respectively. Complainant is the owner of numerous trademark registrations in the Brazilian Trademark Office, for Complainant’s Marks as follows:

Mark	Registration No.	Class	Registration Date
	913796280	9	March 16, 2021
	913796336	42	January 29, 2019
	913796379	45	January 29, 2019
IN LOCO ENGAGE	913796310	9	March 16, 2021
	913796344	45	January 29, 2019
IN LOCO	912503360	9	April 16, 2019
	916521192	35	September 17, 2019
	919053998	36	December 15, 2020
	912563370	38	April 16, 2019
	912504170,	42	April 16, 2019
	912504323	45	April 16, 2019
	912503297	9	April 16, 2019
	916521320	35	September 10, 2019
	912564130	38	April 16, 2019
	912504285	42	April 16, 2019
	912504412	45	April 16, 2019
	918795680	9	June 30, 2020
	918689074	35	December 22, 2020
	919054170	36	December 15, 2020
	918795842	38	June 30, 2020
	918795966	42	June 30, 2020
	918796091	45	June 30, 2020

Complainant is also the registered owner of the domain name <inloco.com.br> since September 20, 2017. Complainant was also the previous registered owner of the Domain Name <inlocoengage.com> which has since expired.

According to the publicly available Whois, the Domain Name was registered on July 31, 2022, and as of the date of the Complaint the Domain Name does not currently resolve to any active website.

5. Parties' Contentions

A. Complainant

Complainant states that in spite of the change of its corporate name, it has continuously used and registered Complainant's Marks and related marks and is associated with and known as IN LOCO.

Complainant contends that the Domain Name is confusingly similar to Complainant's mark IN LOCO ENGAGE as it contains one of Complainant's Marks in its entirety without the addition of any other element that could prevent the possibility of confusion among Internet users.

Complainant submits that Respondent has no rights or legitimate interests in the Domain Name, is not commonly known by the Domain Name, nor has Complainant authorised Respondent to use Complainant's Marks in its Domain Name.

Complainant asserts that Respondent has registered the Domain Name in bad faith, as evidenced by its passive holding of the Domain Name and as Respondent is a known cybersquatter with many UDRP decisions finding for Respondent's bad faith registrations.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

For the reasons set out below Complainant is successful in its complaint.

A. Identical or Confusingly Similar

Complainant is a technology company established in Brazil in 2013. It has traded in that country, providing location data solutions for businesses. Complainant has registered Complainant's Marks at the Brazilian Trademark Office since 2013 and 2017 respectively, see table above.

On that basis, Complainant has established applicable rights in Complainant's Marks.

The Domain Name reproduces Complainant's Marks in their entirety. Complainant's IN LOCO and IN LOCO ENGAGE marks are present in and clearly recognizable in the Domain Name. The addition of the Top-Level Domain ".com" does not prevent a finding of confusing similarity. See section 1.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

In addition, Complainant's Marks are plainly recognizable in the Domain Name. See section 1.7 of [WIPO Overview 3.0](#).

Accordingly, the Domain Name is either identical to or confusingly similar to Complainant's Marks.

The first ground under the Policy is made out.

B. Rights or Legitimate Interests

As recorded above, Complainant submits that Respondent is not commonly known by the Domain Name, nor has Complainant authorised Respondent to use Complainant's Marks in its Domain Name. Further, Complainant alleges that Respondent is a known cybersquatter with numerous adverse UDRP decisions. While this submission was made under the bad faith ground, it may have a bearing under this ground. That is, on the basis that Complainant alleges Respondent has a track record of acquiring other parties' domain

names and that allegation puts Respondent to prove, to deny, or refute those allegations insofar as it suggests that Respondent effectively lacks rights or legitimate interests in the Domain Name.

On that basis, given the lack of response and the nature of the allegation, the Panel concludes that Respondent lacks rights or legitimate interests in the Domain Name.

Accordingly, the second ground under the Policy is made out.

C. Registered and Used in Bad Faith

The Panel finds in favour of Complainant under this ground.

Complainant's Marks were registered before the Domain Name was registered. The Domain Name is either the same as or very close to Complainant's Marks. Complainant submits, and Respondent has not refuted that it is a known cybersquatter with many UDRP decisions finding for Respondent's bad faith registrations. Under these circumstances, and noting that the Domain Name was previously held by Complainant, it is open to the Panel to infer that Respondent knew that Complainant's Marks belonged to Complainant, and Respondent was not entitled to register the Domain Name, regardless of whether the Domain Name was to be passively held or not.

For these reasons, the Panel finds that the Domain Name was registered and used in bad faith.

Complainant has therefore established the third ground under the Policy.

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 Domain Name, <inlocoengage.com> be transferred to Complainant.

/Clive L. Elliott, K.C./

Clive L. Elliott, K.C.

Sole Panelist

Date: December 1, 2022