

## **ADMINISTRATIVE PANEL DECISION**

Petróleo Brasileiro S.A. - Petrobrás v. RENO RIBEIRO, RE9 Online  
Case No. D2024-2726

### **1. The Parties**

The Complainant is Petróleo Brasileiro S.A. - Petrobrás, Brazil, represented by Vaz e Dias Advogados & Associados, Brazil.

The Respondent is RENO RIBEIRO, RE9 Online, Brazil.

### **2. The Domain Name and Registrar**

The disputed domain name <petrobras.top> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 3, 2024. On July 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 5, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 9, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 9, 2024.

The Center verified that the Complaint together with the amended 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, and the proceedings commenced on July 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 31, 2024. The Respondent sent email communications to the Center on July 9, 11, and 12 and August 12, and 15, 2024.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on August 16, 2024. 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 Petr leo Brasileiro S.A. – Petrobr s, commonly known as Petrobr s, a Brazilian company founded in 1953 and active in the areas of energy, exploration, production, refining, marketing, and transportation of oil, natural gas, and derivatives.

The Complainant is the owner of trademark registrations, such as:

- Brazilian Registration No. 004101570 for PETROBR S, in class 4, registered on December 10, 1981;
- Brazilian Registration No. 002709007 for PETROBRAS (stylized), in class 1, registered on July 12, 1962;
- Brazilian Registration No. 200065254 for PETROBRAS (stylized), in class 5, registered on July 12, 1962;
- Brazilian Registration No. 004101260 for PETROBRAS, in class 1, registered on December 3, 1971.

The trademark PETROBR S was declared as a high reputed trademark by the Brazilian Trademark Office on July 12, 2016.

The Complainant is the owner of the domain names <petrobras.com.br> registered on June 14, 1996, and <petrobras.com>, registered on March 5, 1996.

The Respondent is Reno Ribeiro, RE9 Online, from Brazil.

The disputed domain name was registered on August 22, 2023.

The disputed domain name resolves to a Registrar parking website with a link “buy this domain”. There are pay-per-click (“PPC”) links on the website.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant argues that the disputed domain name <petrobras.top> is identical or confusingly similar to the trademark PETROBRAS.

The disputed domain name resolves to a website with a link “acquire this domain”, which redirects visitors to services for brokering domain names.

There is no evidence that the Respondent has made demonstrable preparations to use the disputed domain name for legitimate purposes, nor is there any evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods and services.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name. That being the case, the Complainant finds that the disputed domain name is used to take

unfair advantage of the Complainant's rights for commercial gain, since Internet users and the Complainant's clients would inevitably associate the disputed domain name with the Complainant's prior trademarks.

Moreover, the Complainant stresses that the Respondent is not commonly known by the name "Petrobrás".

According to the Complainant, it has prior rights over the trademark PETROBRAS and has not authorized the registration and use of the disputed domain name, nor the use of its trade name and trademarks by the Respondent.

The Respondent is not affiliated to or authorized by the Complainant to use or register the disputed domain name.

The Complainant's intellectual property rights for PETROBRAS trademarks predate the registration of the disputed domain name.

The Complainant also argues that the Respondent was aware of the Complainant's rights and has clearly registered the disputed domain name to target the Complainant's trademark, and that the registration of the disputed domain name was conducted in bad faith.

The Complainant requests that the disputed domain name <petrobras.top> be cancelled.

## **B. Respondent**

The Respondent sent e-mails to the Center, stating the following:

On July 9, 2024:

"Thank you for your message, but I didn't quite understand its content. Could you please explain it in a clearer and more informal, less technical language? I appreciate your help. Best regards,"

On July 11, 2024:

"I would like to start by apologizing for any inconvenience this matter may have caused. In light of the current situation, I am willing to transfer the domain to Petróleo Brasileiro S.A. - Petrobrás. However, I kindly propose a compensation of BRL 500 (Brazilian Reais) to cover the costs incurred and the time spent on this process. I believe this solution is fair and beneficial for both parties, allowing us to resolve this matter swiftly and amicably. I look forward to your prompt response so that we can finalize this agreement in the best possible manner. Thank you for your understanding and cooperation."

On August 12, 2024:

"I replied to the email, and tried to make a deal.

But I didn't receive any answer.

Did you?"

"And if I want to cancel the domain?

Can I do this? I don't want to lose my time with this process.

I will lose money, but my time is more valuable.

Can I cancel the domain? Or pass it to any account of Petrobras?

I was waiting some response from them, but how they didn't answer, I want to solve it.

Can you help me?"

On August 15, 2024, the Respondent sent a final e-mail to the Center:

“But I Didn’t response cause I was waiting some answer from Petrobras, or its Lawyers.  
So.. Ok.”

The Respondent was informed that the due date for a Response was July 31, 2024.

## 6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to the trademarks or service marks in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

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. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has shown rights in respect of the trademark PETROBRÁS for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

### B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent was clearly aware of the trademark PETROBRÁS, since the Complainant's trademark registrations as well as its domain name predate the registration date of the disputed domain name, and also because the trademark PETROBRÁS is a highly reputed trademark in Brazil.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel finds that the Respondent acquired the disputed domain name in order to sell it, as it was announced on the respective website and as he asked in his e-mails to the Center. Having reviewed the record, the Panel deems that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of 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 disputed domain name <petrobras.top> be cancelled.

*/Mario Soerensen Garcia/*

**Mario Soerensen Garcia**

Sole Panelist

Date: August 30, 2024