

## **ADMINISTRATIVE PANEL DECISION**

Software Brokers of America, Inc. d/b/a Intcomex v. Richard Mark  
Case No. D2025-2558

### **1. The Parties**

The Complainant is Software Brokers of America, Inc. d/b/a Intcomex, United States of America ("United States"), represented by Ferraiuoli LLC, United States.

The Respondent is Richard Mark, United States.

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

The disputed domain name <intcomexs.com> is registered with Hostinger Operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 30, 2025. On July 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 2, 2025, 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 (John Doe/ Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 2, 2025, 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 amendment to the Complaint on July 9, 2025.

The Center verified that the Complaint together with the amendment to 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, and the proceedings commenced on July 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 31, 2025.

The Center appointed Michelle Brownlee as the sole panelist in this matter on August 11, 2025. 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 the owner of the trademark INTCOMEX, registered on January 5, 1999 in the United States as Registration Number 2,216,461 in connection with distributorship services in the field of computer products in International Class 35, claiming a first use in commerce of April of 1993.

The Complainant has owned the domain name <intcomex.com> since April 14, 1996.

The disputed domain name was registered on June 23, 2025. The disputed domain name has been used to send emails that appear to originate with an employee of the Complainant and seek to order computer hard drives.

#### **5. Parties' Contentions**

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

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to its INTCOMEX trademark, that the Respondent has no rights or legitimate interests in the disputed domain name and that the Respondent registered and is using the disputed domain name in bad faith by sending emails in which the Respondent impersonates an employee of the Complainant for likely fraudulent purposes.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **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 a trademark or service mark 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, the letter "s", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 rebutted the Complainant's prima facie showing and 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.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of an employee of the Complainant for likely fraudulent purposes can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 used the disputed domain name to send emails that appeared to originate from an employee of the Complainant for likely fraudulent purposes. Having added a single letter “s” to the Complainant's INTCOMEX trademark in the disputed domain name coupled with use of the Complainant's trademark in the signature block of the email demonstrates a clear intention to deceive the recipient of the email into believing that the email originated with an employee of the Complainant. The Panel finds that this activity violates paragraph 4(b)(iv) of the Policy as it is an intentional attempt to attract Internet users by creating a likelihood of confusion with the Complainant's mark and, if successful, this scheme would presumably result in financial gain to the Respondent.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of an employee of the Complainant for likely fraudulent purposes constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds 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 <intcomexs.com> be cancelled.

/Michelle Brownlee/

**Michelle Brownlee**

Sole Panelist

Date: August 25, 2025