

## **ADMINISTRATIVE PANEL DECISION**

Souza Cruz Ltda v. ANA EDUARDA DE ARAUJO  
Case No. D2026-0757

### **1. The Parties**

The Complainant is Souza Cruz Ltda, Brazil, represented by Com Laude Limited, United Kingdom.

The Respondent is ANA EDUARDA DE ARAUJO, Brazil.

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

The disputed domain name <sozacruzatacado.site> 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 February 23, 2026. On February 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 25, 2026, 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 25, 2026, 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 February 26, 2026.

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 February 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 20, 2026.

The Center appointed José Pio Tamassia Santos as the sole panelist in this matter on March 26, 2026. 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 – Souza Cruz Ltda, operating as BAT Brasil – is a member of the British American Tobacco Group of Companies (“BAT”). It is a provider of tobacco to the BAT group worldwide and is based in Rio de Janeiro, Brazil.

BAT is a British multinational tobacco and nicotine products manufacturing company headquartered in London, United Kingdom, and is one of the largest publicly traded tobacco companies in the world. It was founded in 1902 and now operates in around 160 countries and employs over 48,000 staff.

Moreover, BAT owns and operates a large brand portfolio, including modern brands such as Vuse (vaping products) and Velo (oral nicotine pouches), as well as traditional cigarette brands such as Dunhill, Lucky Strike, Pall Mall, Camel, and Rothmans.

The Complainant is an important producer and distributor of tobacco and tobacco products to the BAT group worldwide. While its own history goes back to 1903, it became a fully owned subsidiary of the BAT group in 2016.

The Complainant is one of the largest tobacco companies in Brazil and it employs over 4,600 people. It also operates a domestic distribution network, which serves more than 250,000 points of sale across more than 5,000 Brazilian municipalities. As part of BAT, the Complainant has been the central office for the operation of BAT in Latin America, which includes five more countries: Argentina, Chile, Cuba, Paraguay, and Peru.

The Complainant is the owner of Brazil trademark registrations for the mark SOUZA CRUZ, including, among others, registration number 800139151, registered on November 30, 1982, and number 909996792, registered on July 10, 2018.

The Complainant operates its official website from the URL “www.batbrasil.com”, and owns domain names including <souzacruz.com>.

The disputed domain name was registered on September 5, 2025, and at the time of filing of the Complaint, resolved to an active website which displayed the Complainant’s mark and previously used logotype, and purportedly offered for sale products from the Complainant and third parties. The footer of the website displayed “Souza Cruz Bat Brasil”, featuring a contact email address which used the Complainant’s domain name, namely “[...]@souzacruz.com”.

#### **5. Parties’ Contentions**

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

The Complainant contends that the disputed domain name is confusingly similar to its SOUZA CRUZ mark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the Respondent registered and is using the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

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

## **B. Respondent**

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

## **6. Discussion and Findings**

For this Complaint to succeed in relation to the disputed domain name the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. The Complainant is the owner of a portfolio of registered trademarks for the mark SOUZA CRUZ.

The disputed domain name incorporates the Complainant's SOUZA CRUZ mark in its entirety, only differing by the addition of the term "atacado" (according to the Complainant, "atacado" is a Portuguese term for "wholesale"). "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element." [WIPO Overview 3.1](#), section 1.8. Therefore, the Panel finds the addition of the term "atacado" does not dispel a finding of confusing similarity between the disputed domain name and the mark because the Complainant's SOUZA CRUZ mark remains clearly recognizable in the disputed domain name.

For completeness, as the Top-Level Domain ".site" is a standard registration requirement for technical reasons, it can be ignored for the purposes of comparison of the disputed domain name to the Complainant's mark. [WIPO Overview 3.1](#), section 1.11.

Accordingly, the Complainant has established that the disputed domain name is confusingly similar to the Complainant's registered SOUZA CRUZ mark in which the Complainant has valid trademark rights, and therefore the condition of paragraph 4(a)(i) of the Policy is fulfilled.

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.

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Panel's attention is respectfully drawn to section 2.1 of the [WIPO Overview 3.1](#), which asks, "How do panels assess whether a respondent lacks rights or legitimate interests in a domain name?" and answers:

“Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

There is no evidence that the Respondent has been commonly known by Souza Cruz or “Souza Cruz Atacado”.

The Respondent is not a licensee of the Complainant and has not received any permission or consent from the Complainant to use its SOUZA CRUZ mark.

There is no evidence that the Respondent owns any trademarks incorporating the term “Souza Cruz” or “Souza Cruz Atacado”. Equally, there is no evidence that the Respondent has ever traded legitimately under the name “Souza Cruz” or “Souza Cruz Atacado”.

For the avoidance of doubt, the Complainant notes that the Respondent and the disputed domain name are not part of the Complainant’s distribution network or otherwise connected with the Complainant.

The Complainant avers that the term “atacado”, which means “wholesale” in Portuguese, is within the “trademark owner’s field of commerce or indicating services related to the brand”. In accordance with section 2.5.1. of the WIPO Overview 3.1, the composition of the disputed domain name falsely implies an affiliation between the Respondent and the Complainant. On this point, the Complainant refers to a previous case brought by it under the UDRP (*Souza Cruz Ltda v. Raione Santos Reis*, WIPO Case No. [D2024-4856](#) regarding <sozacruzsa.com>), in which the panel noted: “The disputed domain name reproduces the Complainant’s mark SOUZA CRUZ in its entirety, with the addition of the term “sa”, which carries a risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1.” The Panel agrees with the Complainant that the composition of the disputed domain name carries a risk of implied affiliation in the present case.

Accordingly, Complainant has established that Respondent does not have any right or legitimate interest in the disputed domain name and has therefore satisfied the conditions of Paragraph 4(a)(ii) of the Policy.

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.

The Complainant asserts that the disputed domain name incorporates the Complainant’s SOUZA CRUZ mark in its entirety and merely adds the descriptive Portuguese term “atacado”, which does nothing to dispel any confusion. The Complainant contends that Internet users seeing the disputed domain name in search engine results would reasonably assume that it is operated by, connected with or endorsed by the Complainant.

The Complainant further contends that the website supports the confusion of the disputed domain name being affiliated with or at least authorized by the Complainant for the reasons below:

- uses the Complainant's previous SOUZA CRUZ logotype at the top;

- includes photographs and other graphical elements that show tobacco and cigarette products of related BAT companies;
- applies a minimalist blue and white colour scheme similar to that of the Complainant;
- refers to itself within the title bar as “Souza Cruz” and within the footer of the website as “Souza Cruz Bat Brasil”; and
- uses an email address ending with the Complainant’s <sozacruz.com> domain name within the contact section.

The Complainant refers to *Masco Corporation and Kraus USA Plumbing LLC v. Lijing Zhang*, WIPO Case No. [D2023-3379](#) in which the panel held:

“The Respondent is using prominently the logo of the Second Complainant on its websites without any indication regarding its relationship to the Complainants. Such use is apt to create the false impression that the websites are operated or endorsed by the Complainants, thus misleading, for commercial gain, consumers looking for the Complainants’ websites.”

“Accordingly, the Panel finds it likely that the Respondent intentionally created a likelihood of confusion with the Second Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website. This is a circumstance of use of a domain name in bad faith according to paragraph 4(b) of the Policy.”

In addition, the Complainant asserts with evidence that the Respondent’s website lacks any disclaimer that would dispel the confusion regarding the source of the website at the disputed domain name. The Respondent has not indicated on its website that it has no relationship with the Complainant which further implies that the Respondent deliberately created the false impression that the website associated with the disputed domain name is operated or endorsed by the Complainant. As such, it is misleading consumers searching for the Complainant’s website, for its own commercial purposes.

As demonstrated in the Complaint, the majority of Google search results for “SOUZA CRUZ” relate to the Complainant. The Complainant has been operating in Brazil, the Respondent’s reported location, since 1903 and is one of Brazil’s largest tobacco producers and distributors. As such, it is more likely than not that the Respondent knew of, or should have known of, the Complainant when registering the disputed domain name.

Considering the nature and use of the disputed domain name, the Panel agrees with the Complainant that by using the disputed domain name, the Respondent has intentionally attempted to mislead Internet users into believing its website is an authorized website, or at least affiliated with or endorsed by the Complainant, for its own commercial gain. Such misleading use demonstrates that the disputed domain name has been registered and used in bad faith in terms of the Policy.

The Panel therefore finds that the Complainant has proved on balance that the disputed domain name has been registered and used in bad faith in terms of the Policy.

Accordingly, based on the case record, the Complainant has satisfied the conditions of paragraph 4(a)(iii) of 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 <souzacruzatacado.site> be transferred to the Complainant.

*/José Pio Tamassia Santos/*

**José Pio Tamassia Santos**

Sole Panelist

Date: April 9, 2026