

ADMINISTRATIVE PANEL DECISION

Tereos SCA v. Carlos Fridda
Case No. D2024-4995

1. The Parties

The Complainant is Tereos SCA, France, represented by Harlay Avocats, France.

The Respondent is Carlos Fridda, Cameroon.

2. The Domain Name and Registrar

The disputed domain name <tereos-sugar.com> is registered with Wix.com Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 3, 2024. On December 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 11, 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 (Redacted For Privacy / Wix.com Ltd) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 16, 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 December 20, 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 January 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 24, 2025.

The Center appointed Iris Quadrio as the sole panelist in this matter on January 31, 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 second largest sugar group in the world and is recognized for its expertise in research and development across various fields. Established in 1932, the Complainant has grown to become one of the leading global producers of sugar, sweeteners, starch, alcohol, and ethanol.

The Complainant's subsidiary, Tereos International, is the third largest sugar processor in the world and distributes its products to more than 100 countries. Its offerings cater to a diverse range of industries, including Animal Feed, Chemical and Energy, Food, Green Chemicals, Paper, Pharmaceutical, and Cosmetics.

As a cooperative group, the Complainant brings together over 11,200 grower partners and possesses recognized expertise in processing agricultural raw materials such as sugar beet, sugar cane, wheat, corn, potatoes, cassava, and alfalfa.

Today, the Complainant operates 41 industrial sites worldwide and employs approximately 15,800 people across 15 countries, reinforcing its position as the second largest global producer of sugar.

The Complainant owns the trademark TEREOS in many jurisdictions including, European Union Intellectual Property Office (EUIPO) Reg. No. 3598489 in classes 1, 3, 4, 5, 30, 30, 31, 33, and 40, registered on June 21, 2005, Reg. No. 014953913 in classes 1, 5, and 30, registered on May 23, 2016, and Reg. No. 018905347 in classes 1, 4, 5, 30, 31, 35, 39, 40, 42, and 44 registered on January 25, 2024; and Brazilian Instituto Nacional da Propriedade Industrial (INPI) Reg. No. 826177808 in class 30, registered on September 8, 2009.

The Complainant claims to own an important domain name portfolio, including domain names <tereos.com> and <tereos-sucres.com>, the latter being a direct translation of <tereos-sugar.com>.

Lastly, the disputed domain name was registered on September 15, 2024, and it resolves to a website that purportedly allows users to purchase sugar from Brazil. The Complainant submitted evidence showing that the website contains hyperlinks to pages on social networks where the Complainant's logo is reproduced, and the disputed domain name is displayed.

5. Parties' Contentions

A. Complainant

The Complainant states that the disputed domain name is confusingly similar to its trademark TEREOS, and to its associated domain names.

The Complainant contends that the Respondent has no rights or legitimate interest in respect of the disputed domain name, nor is he related in any way to the Complainant. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark TEREOS or apply for registration of the disputed domain name.

More specifically, the Complainant alleged that the Respondent has not used and/or has no demonstrable intention to use the disputed domain name except to create a likelihood of confusion with the Complainant's trademark. In fact, the Complainant claims that the Respondent has selected the disputed domain name

only to generate confusion among consumers as to the origin of the website only for the purpose of gaining commercial profit.

Finally, the Complainant has requested the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar with a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interest in respect of the disputed domain name; and
- (iii) the disputed domain name was 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 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 a hyphen and other term here "sugar", 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.

The Complainant has claimed not to have authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the trademark TEREOS nor is there any other evidence in the record suggesting that the Respondent has or could have rights or legitimate interests in the disputed domain name. Also, the Complainant has prior rights in the TEREOS trademark which clearly precede the Respondent's registration of the disputed domain name.

The Panel also notes that the composition of the disputed domain name which incorporates the Complainant's trademark along with the term "sugar" and as such a direct translation of the Complainant's domain name <tereos-suces.com>, carries an implied risk of affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Likewise, it does not seem that the Respondent is making any legitimate noncommercial or fair use of the disputed domain name. On the contrary, the Respondent's use of the disputed domain name appears to be merely intended to benefit from Complainant's reputation by confusing Internet users and leading them to believe that the site to which the disputed domain name relates is an official site of the Complainant. Hence, as established in section 2.5 of [WIPO Overview 3.0](#): "Fundamentally, a respondent's use of a domain name will not be considered 'fair' if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant's mark is often central to this inquiry."

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 such connection, the Complainant has submitted evidence to support that the trademark TEREOS is widely known and was registered and used many years before the Respondent registered the disputed domain name. When registering the disputed domain name, the Respondent has targeted the Complainant's trademark TEREOS to create confusion among the Internet users and benefit from the Complainant's reputation.

Therefore, the Panel is satisfied that the Respondent must have been aware of the Complainant and the Complainant's trademark TEREOS when it registered the disputed domain name. Consequently, and in accordance with section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant's TEREOS trademark in the disputed domain name creates a presumption that the disputed domain name was registered on a bad faith basis.

The disputed domain name resolves to a webpage that: (i) allows users to buy sugar from Brazil, which is the main product involved in the Complainant's business; (ii) reproduces, without prior authorization, the Complainant's trademark TEREOS ; (iii) contains hyperlinks to social networks where the Complainant's logo is used. The LinkedIn link redirects to the official LinkedIn page of the Complainant, and the TikTok, Pinterest and Facebook links redirect to accounts that reproduce the Complainant's trademark TEREOS and impersonate the Complainant; and (iv) in the section "Our Team", in the "About Us" page, it displays names and photos of people which seem to be working for other companies.

The Panel finds therefore that the Respondent's use of the disputed domain name was intended to attract and mislead Internet users when searching for the Complainant's website and to redirect them to a website from which the Respondent most likely derives commercial revenue by creating a likelihood of confusion with the Complainant's trademarks. The fact that the Respondent provided contact details that appear to be false when registering the disputed domain name further supports Panel's finding on bad faith.

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 <tereos-sugar.com> be transferred to the Complainant.

/Iris Quadrio/

Iris Quadrio

Sole Panelist

Date: February 17, 2025.