

ADMINISTRATIVE PANEL DECISION

Bunge SA v. Drey Mk
Case No. D2024-5306

1. The Parties

The Complainant is Bunge SA, Switzerland, represented by Brand Enforcement Team 101 Domain, United States of America.

The Respondent is Drey Mk, United States of America.

2. The Domain Name and Registrar

The disputed domain name <bungeltdus.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 24, 2024. On December 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 27, 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 (Information not available) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 27, 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 30, 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 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 28, 2025.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on February 4, 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 in this proceeding is Bunge SA (Bunge Limited, Bunge Global SA, and Bunge SA, hereinafter referred to either individually or jointly as "Complainant"). Bunge SA is the trademark holding entity of all "BUNGE" trademarks.

The Complainant was founded over 200 years ago, in 1818, and provides agricultural products, including grains and fertilizers, to stabilize crop infrastructure across the globe with the ultimate purpose of sustaining renewable energy solutions. The Complainant's company operates approximately 300 facilities in more than 40 countries with over 23,000 employees and became a public corporation in 2001.

The Complainant owns the BUNGE trademarks, which enjoy protection through several registrations worldwide.

The Complainant is, inter alia, the owner of:

United States Trademark Registration number 2036787 for the BUNGE (word) trademark, registered on February 11, 1997.

United States Trademark Registration number 2682681 for the BUNGE (device) trademark, registered on February 4, 2003.

International Trademark Registration number 864636 for the BUNGE (device) trademark, registered on December 15, 2004.

The Complainant is also the owner of more than a hundred domain names, including <bunge.com>, registered in 1996, <bungeltd.com>, registered on August 6, 2019, <bungelimited.us>, registered on August 6, 2019, <bungelimited.co>, registered on August 6, 2019, <bungelimited.info>, registered on August 6, 2019, and many others.

The disputed domain name was registered on October 19, 2024, and has been used to send fraudulent emails impersonating an employee of the Complainant.

The Complainant filed an abuse complaint to the Registrar and hosting provider on November 4, 2024, providing a copy of fraudulent correspondence sent from the email address ".....@bungeltdus.com", to request the suspension of the domain and the revocation of services. The Registrar suspended the domain on November 18, 2024, with locked nameservers and a clientHold status.

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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's registered trademarks; that the Respondent has no rights or legitimate interests with respect to the disputed domain name; and that the Respondent registered and is using the disputed domain name

in bad faith. The Complainant has further asserted and documented that the Respondent has used the disputed domain name to perpetrate a phishing scheme. Specifically, the Respondent has sent emails from the address “.....@bungeltdus.com” in an attempt to impersonate (or at least appear as) an employee of the Complainant, whose email signature even cites the Complainant’s company address for Bunge North America and embeds the Complainant’s logo. The Complainant thus asserts that this is evidence that the Respondent lacks any rights or legitimate interests in the disputed domain name and that it registered and used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is incorporated entirely and recognizable 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 terms “Ltd” and “us”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 to be used to perpetrate a phishing scheme for the purposes of fraud, 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.

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 notes that, as discussed below, it is highly likely that the Respondent was aware of the Complainant's trademark registrations and rights to the BUNGE trademark when it registered the disputed domain name.

The disputed domain name contains, in its entirety, without any authorization or approval, the Complainant's registered BUNGE trademark.

Owing to the substantial presence established worldwide and on the Internet by the Complainant, it is at the least very unlikely that the Respondent was not aware of the existence of the Complainant, or of the Complainant's trademark and domain name, when registering the disputed domain name.

In fact, the BUNGE trademark and the <bunge.com> domain name were registered many years before the Respondent registered the disputed domain name.

In addition, noting the composition of the disputed domain name, incorporating the Complainant's trademark and its use to perpetrate fraud through emails sent to the Complainant's clients, it is clear that the Respondent was perfectly well aware of the Complainant, its trademarks and activity, when registering the disputed domain name.

The Panel is therefore satisfied that the Respondent registered the disputed domain name in bad faith.

The Panel further notes that the use of the disputed domain name, to perpetrate fraud through emails sent to the Complainant's clients from a misleading email address in an attempt to impersonate an employee of the Complainant, also shows the Respondent's bad faith use of the disputed domain name.

Panels have held that the use of a domain name for illegal activity, here claimed to be used for impersonating an employee of the Complainant for the purposes of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Finally, the Respondent has not responded to (nor denied) the assertions made by the Complainant in this proceeding.

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 <bungeltdus.com> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: February 18, 2025