

ADMINISTRATIVE PANEL DECISION

BUNGE SA v. Mafo Merveille

Case No. D2025-0603

1. The Parties

The Complainant is BUNGE SA, Switzerland, represented by 101domain.com, United States of America ("United States").

The Respondent is Mafo Merveille, United States.

2. The Domain Name and Registrar

The disputed domain name <bunge-brazil.com> (the "Disputed Domain Name") is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 14, 2025. On February 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 17, 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 (Information not available on WHOIS / REDACTED FOR PRIVACY, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 19, 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 amended Complaint on February 25, 2025.

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, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 20, 2025.

The Center appointed Mariia Koval as the sole panelist in this matter on March 26, 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, founded in 1818, is a global agribusiness and food company, which provides agricultural products, including grains and fertilizers, to stabilize crop infrastructure across the globe with the ultimate purpose of sustaining fuel-renewable energy solutions. The Complainant operates approximately 300 facilities in more than 40 countries with over 23,000 employees and became a public corporation in 2001.

The Complainant holds exclusive rights to the BUNGE trademark (the “BUNGE Trademark”) registrations worldwide, including, but not limited to, the following:

- United States Trademark Registration No. 2036787, registered on February 11, 1997, in respect of goods in class 29;
- United States Trademark Registration No. 2682681, registered on February 4, 2003, in respect of services in classes 35, 36, 39, 40 and 42;
- International Trademark Registration No. 864636, registered on December 15, 2004, in respect of goods and services in classes 4, 5, 29, 30, 31, 32, 35, 36, 39 and 40.

The Complainant has built up a considerable online presence and is operating more than 100 domain names which incorporate the BUNGE Trademark, including the domain name <bunge.com>.

The Disputed Domain Name was registered on October 19, 2024. As of the date of filing of the Complaint, and of this Decision, the Disputed Domain Name resolves to a parked page with pay-per-click (“PPC”) links. Moreover, according to the evidence presented by the Complainant (Annex 7 to the Complaint) active MX records for the Disputed Domain Name are configured.

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 BUNGE Trademark since the Disputed Domain Name reproduces the Complainant’s BUNGE Trademark in its entirety with addition of the term “brazil”.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following:

- the Complainant has not licensed nor allowed the Respondent to use the BUNGE Trademark or trade name for any purpose;
- the Complainant became aware of the registration of the Disputed Domain Name when a customer informed them that the Respondent was using the email address “[...]@bunge-brazil.com” to fraudulently pose as the Complainant in a purchase inquiry;
- the Respondent does not seem to have any legitimate association with the term “BUNGE”. Instead, the Disputed Domain Name was solely being used with the intent to mislead the online community and divert the Complainant’s customers away from its official website;

- the Respondent is not commonly known by the Disputed Domain Name and registered it primarily for the purpose of disrupting the business of the Complainant;
- the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name because it is currently parked and is using its active MX records for fraud.

The Complainant further asserts that the Respondent has registered and is using the Disputed Domain Name in bad faith. The Respondent fraudulently used the Disputed Domain Name to confuse Internet users for spear-phishing tactics. The Respondent's registration of the Disputed Domain Name prevents the Complainant from reflecting its BUNGE Trademark in the corresponding domain names. Since the registration of the Disputed Domain Name the Respondent has not used nor prepared to use it for any legitimate purpose and misuses the Disputed Domain Name primarily for the purpose of disrupting the Complainant's business. Moreover, all the Whois information provided during the registration of the Disputed Domain Name was fraudulent.

By creating active MX records connected to the Disputed Domain Name comprised entirely of the Complainant's BUNGE Trademark with geographic implications, the Respondent clearly registered the Disputed Domain Name with the Complainant in mind. The Respondent clearly targeted the Complainant's customers through false communications by impersonating a legitimate representative of the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which 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 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 Disputed Domain Name completely reproduces the Complainant's BUNGE Trademark in combination with a hyphen, term "brazil" and the generic Top-Level Domain ("gTLD") ".com". According to the [WIPO Overview 3.0](#), section 1.8, 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. In this case, the addition of the term "brazil", to the BUNGE Trademark does not prevent a finding of confusing similarity.

According to the [WIPO Overview 3.0](#), section 1.11, the applicable gTLD in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Furthermore, the use of hyphen in the Disputed Domain Name is irrelevant in a finding of confusing similarity as the BUNGE Trademark is recognizable within the Disputed Domain Name.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's BUNGE Trademark pursuant to paragraph 4(a)(i) of the Policy.

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.

There is no evidence that the Complainant has licensed or otherwise permitted the Respondent to use its BUNGE Trademark or to register the Disputed Domain Name which is confusingly similar to the BUNGE Trademark. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name.

Also, in accordance with [WIPO Overview 3.0](#), section 2.5.1, even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The composition of the Disputed Domain Name – reproducing the entirety of the BUNGE Trademark, along with the term "brazil", a name of the country where the Complainant operates – carries a risk of implied affiliation with the Complainant (see [WIPO Overview 3.0](#), section 2.5.1). The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Names without intent for commercial gain to misleadingly divert consumers or to tarnish the BUNGE Trademark of the Complainant. The Disputed Domain Names has been used to resolve to website with PPC links to third-party websites, including a link to a website advertising services related to the Complainant's offering. In accordance with [WIPO Overview 3.0](#), section 2.9, panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. Therefore, such use of the Disputed Domain Name by the Respondent does not amount to a bona fide offering of goods or services or a legitimate noncommercial or fair use.

Moreover, as claimed by the Complainant, (Annex 6 to the Complaint) the Respondent has used, and/or is using, the Disputed Domain Name for the fraudulent scheme, namely, to impersonate the Complainant's company in order to falsely communicate a purchase inquiry on the Complainant's behalf.

The Respondent did not file any response to the Complaint and did not participate in these proceedings, as such, the Respondent did not present any evidence supporting any rights or legitimate interests in the Disputed Domain Name.

In view of the foregoing, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

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 concludes that the Disputed Domain Name was registered and is being used in bad faith in view of the following. The Complainant obtained the registration of the BUNGE Trademark more than 25 years earlier than the Respondent registered the Disputed Domain Name in 2024. Taking into account all circumstances of this case, the Panel finds that the Respondent was very well aware of the Complainant's business and its BUNGE Trademark when registering the confusingly similar Disputed Domain Name that completely incorporates the Complainant's BUNGE Trademark. The addition of the term "brazil", where the Complainant has a place for its business, to the Complainant's BUNGE Trademark in the Disputed Domain Name, is further evidence, that the Respondent was very well aware of the Complainant's BUNGE Trademark and business at the time of registration of the Disputed Domain Name and has done so for the only purpose of creating an impression that the Disputed Domain Name is connected with the Complainant's BUNGE Trademark. The Panel considers it is obviously bad faith that the Respondent deliberately chose the Disputed Domain Name to create a likelihood of confusion with the Complainant's BUNGE Trademark.

Resolving the Disputed Domain Name to a typical PPC website showing a variety of hyperlinks to third-party websites, for a likely purpose of generating PPC revenue, is a clear indication that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's BUNGE Trademark as to the source, sponsorship, affiliation or endorsement of this website. Such circumstances are evidence of registration and use of the Disputed Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Furthermore, taking into account that MX records on the server hosting the Disputed Domain Name have been activated, the Disputed Domain Name can be used for email purposes.

In view of the foregoing, the Panel finds that the paragraph 4(a)(iii) of the Policy has been satisfied by the Complainant and accordingly, the Disputed Domain Name has been registered and is being used in bad faith.

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 <bunge-brazil.com> be transferred to the Complainant.

/Mariia Koval/

Mariia Koval

Sole Panelist

Date: April 9, 2025