

ADMINISTRATIVE PANEL DECISION

Esapiens Tecnologia S.A. v. Ronaldo Almeida
Case No. D2025-0605

1. The Parties

The Complainant is Esapiens Tecnologia S.A., Brazil, represented by VilelaCoelho Sociedade de Advogados, Brazil.

The Respondent is Ronaldo Almeida, Brazil.

2. The Domain Name and Registrar

The disputed domain name <sexlog.pro> is registered with GoDaddy.com, 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 14, 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 (*Unidentified Respondent*) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 18, 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 21, 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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 18, 2025.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on March 20, 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 operates a social network and online platform offering adult entertainment services available at <sexlog.com> and <sexlog.com.br> since 2004.

In addition to several domain names incorporating the SEXLOG trademark, the Complainant is also the owner, amongst others, of the following trademark registrations (Annexes 6 and 7 to the Complaint):

- United States trademark registration No. 4,401,264, for the word mark SEXLOG, registered on September 10, 2013, in class 45;
- United States trademark registration No. 4,401,265, for the word and device mark SEXLOG, registered on September 10, 2013, in class 45;
- Brazil trademark registration No. 840119895, for the word and device mark SEXLOG, registered on June 9, 2015, in class 35; and
- Brazil trademark registration No. 930389719, for the word and device mark SEXLOG, registered on May 11, 2024, in class 45.

The disputed domain name was registered on October 11, 2023, and presently does not resolve to an active webpage. In the past, the disputed domain name has been used in connection with a webpage offering competing services and adopting a similar lay out and logo to that of the Complainant's official webpage.

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 identical to the Complainant's registered "and widely recognized" trademark, also having the disputed domain name been used in connection with the same adult entertainment and social network services as those provided by the Complainant, targeting the same Portuguese speaking clientele.

Regarding the absence of the Respondent's rights or legitimate interests, the Complainant argues that there is no evidence to support any prior rights or legitimate use of the term "SEXLOG" by the Respondent; also not having the Respondent any connection with the Complainant which provided no authorization to use the "SEXLOG" trademark in any context.

Furthermore, according to the Complainant, the use made of the disputed domain name in connection with a website in the Portuguese language only, clearly targeting the same Brazilian market as that of the Complainant, indicates a clear intention of the Respondent to unduly exploit the Complainant's notoriety and reputation, creating a likelihood of confusion and undue association and benefiting from the Complainant's goodwill further leading Internet users into mistakenly believing that the Respondent is affiliated with or endorsed by the Complainant, what is not true.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (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.

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain name.

In accordance with paragraph 14(a) of the Rules, if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

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.

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.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent who has not been commonly known by the disputed domain name and is neither licensed nor authorized by the Complainant to use the Complainant's trademark. In particular, the Panel notes the similarities in the look and feel and logo displayed on the website at the disputed domain name and on the Complainant's website, both targeting Portuguese speaking audience. The Panel finds that such use cannot give rise to rights or legitimate interests under the Policy.

Also, the lack of evidence as to any trademarks registered by the Respondent corresponding to the disputed domain name, corroborates the indication of an absence of rights or legitimate interests in the disputed domain name.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

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 registered its SEXLOG trademark in different jurisdictions and specially where the Respondent is also located, at least almost a decade before the Respondent's registration of the disputed domain name. The Panel is of the view that the Respondent knew or should have known of the Complainant's trademark when registering the disputed domain name, also considering the contents of the website that used to be available at the disputed domain name which mimicked the Complainant's official website layout and logo.

Moreover, in these circumstances, bad faith of the Respondent is also supported here by: (i) the lack of reply by the Respondent invoking any rights or legitimate interests; (ii) the present inactive use of the disputed domain name and (iii) the indication of false or incomplete contact details.

For the reasons above, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith pursuant to paragraph 4(b)(iv) of the Policy. The third element of the Policy has therefore been met.

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 <sexlog.pro> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: April 3, 2025