

ADMINISTRATIVE PANEL DECISION

Minerva S.A. v. Sergio Graca
Case No. D2025-0680

1. The Parties

The Complainant is Minerva S.A., Brazil, represented by Salusse, Marangoni, Parente e Jabur Advogados, Brazil.

The Respondent is Sergio Graca, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <minervasabrazil.com> 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 19, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 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 (“Registration Private, Domains By Proxy, LLC”) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 amendment to the Complaint on February 24, 2025.

The Center verified that the Complaint together with the amendment of the 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 19, 2025.

The Center appointed Dietrich Beier 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 is a Brazilian company, acquired in 1992 by the Vilela de Queiroz family, which started exploiting cattle raising and related activities in 1957 in Brazil. Nowadays, the Complainant is among the leaders in the production and sale of fresh beef and its byproducts, live cattle exports and beef processing in South America. Through its 33 industrial units, the Complainant offers its products which are sold in more than 100 countries around the world by its 14 distribution centers and 17 international offices.

The Complainant is proprietor of several trademark registrations for, inter alia, MINERVA and MINERVA (fig.) for numerous countries, among them the Brazilian Trademark 909630798 MINERVA in class 29 registered on October 2, 2018, the Chinese trademark 36913731 MINERVA in class 29 registered on February 28, 2021, and the Swiss trademark 628254 MINERVA (fig.) in class 29 registered on April 16, 2012, all being in effect.

The disputed domain name was registered on November 6, 2023, and was linked to a website creating the impression of being the Complainant's website, showing a "Products" section on the homepage and indicating an email address connected to the disputed domain name in the contact section.

Complainant became aware of fraudulent emails sent via the email address connected to the disputed domain name to clients of the Complainant, requesting payment for alleged services, leading to undue payments to the Respondent, who provided false bank account details in a clear attempt to commit fraud.

The Respondent had registered the disputed domain name through a privacy shield service.

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 is confusingly similar to the MINERVA trademark registrations owned by the Complainant in several countries as well as with the Complainant's trade name given that the disputed domain name <minervasabrazil.com> consists of the Complainant's trade name with the addition of the country Brazil where the company was founded and primarily operates.

Further, the Complainant contends that it has not authorized the use of its trademarks. The Complainant has also not found that the Respondent is commonly known under the disputed domain name.

In view of the Complainant, the Respondent must have known of the existence of the Complainant's prior trademark rights, trade name and domain name, which were matters of public record, before registering the disputed domain name, for which also the website under the disputed domain name is an indication. The sending of fraudulent emails to Complainant's customers demonstrates Respondent's use in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing 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 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 addition of the legal form of the Complainant "SA" as well as the geographic indication of its origin and main operations, i.e. Brazil, do 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. This is in particular the case since the Complainant did not grant any permission or consent to the Respondent to use its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name since there is no indication that the Respondent is commonly known by the disputed domain name nor that the Respondent is using the disputed domain name in connection with a bona fide offering of related goods or services. The operation of an impersonating website with a "Products" section and using the disputed domain name to send fraudulent emails does not confer rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

Due to the long standing of the Complainant and its trademarks worldwide at the time of the registration of the disputed domain name, the Respondent must have been well aware of the Complainant and its trademarks when registering the disputed domain name. The website, allegedly representing the Complainant, which was accessible under the disputed domain name demonstrates evident use in bad faith.

Also the further circumstances of this case, in particular the sending of fraudulent emails to customers of the Complainant under an email address of the disputed domain name indicates that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location.

The Respondent's failure to come forward with any explanation for the registration of the disputed domain name in a response and the initial use of a privacy service to conceal the Respondent's identity further support the finding that the Respondent targeted the Complainant.

The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) 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 <minervasabrazil.com> be transferred to the Complainant.

/Dietrich Beier/

Dietrich Beier

Sole Panelist

Date: April 8, 2025