

## **ADMINISTRATIVE PANEL DECISION**

Bunge SA v. John DDDdd

Case No. D2025-0899

### **1. The Parties**

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

The Respondent is John DDDdd, US.

### **2. The Domain Name and Registrar**

The disputed domain name <bungequantumrecruit.com> 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 27, 2025. On March 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 5, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 10, 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 March 13, 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 March 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 14, 2025.

The Center appointed Jane Lambert as the sole panelist in this matter on April 10, 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 member of a group of companies whose businesses trace their origins to 1818. Those companies supply grains, fertilizers and other agricultural products with the ultimate purpose of sustaining fuel renewable energy solutions. They employ 23,000 workers in some 300 facilities in over 40 countries. They launched a website to market their goods and services at “www.bunge.com” in 1996. They have expanded their web presence under several other generic and country code Top-Level Domains.

The trade mark BUNGE was first used in commerce in 1988 and was registered as a US trade mark for edible vegetable oils in class 29 under registration number 2,036,787 on February 11, 1997. The same word was registered in a stylized format as a US service mark for various services in classes 35, 36, 39, 40, and 42 under registration number 2,682,681 on February 4, 2003. The Complainant also registered BUNGE as an International trade mark for goods and services in classes 4, 5, 29, 30, 31, 32, 35, 36, 39, and 40 on December 15, 2004, under registration number 864636.

Because of their sales and marketing, the above-mentioned companies enjoy a considerable reputation and goodwill in the BUNGE mark in relation to agricultural products and services throughout the world.

The Respondent registered the disputed domain name on January 14, 2025. The disputed domain name resolved to a website purporting to promote recruitment opportunities on behalf of the Complainant. The Complainant first became aware of the disputed domain name when it received copies of emails between an email address associated with the disputed domain name and persons seeking work with the Complainant.

#### **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 a trade mark or service mark in which the Complainant has rights. The Complainant refers to its US trade mark and service mark and its International trade mark. It also relies on its reputation and goodwill in the BUNGE mark, which would entitle it to bring passing off, concurrence déloyale, or similar actions around the world. It complains that the disputed domain name incorporates the BUNGE mark in its entirety, combined with the elements “quantum” and “recruit”. It describes the disputed domain name as “a fraudulent misrepresentation” which capitalizes on its exceptional brand recognition and alleges a “blatant intention to inappropriately attract users by the prospect of career opportunities with Complainant’s company.”

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not licensed or otherwise allowed to use the Complainant’s trade marks or trade name for any purpose. The Complainant does not believe that the Respondent holds any trade mark registrations for the BUNGE mark or name. It does not appear to be commonly known by the name and there is no evidence of preparations for a legitimate use of the mark or name.

The Complainant contends that the disputed domain name was registered and is used in bad faith. In support of its contention, it refers to the email correspondence between an email address associated with the disputed domain name and job seekers. Among other complaints, it observes that the Respondent’s

registration prevents the Complainant from using its own trade marks in the corresponding domain. It alleges that the Respondent has used an unlikely name and false address and telephone number. While stating that he is in Alaska, the Respondent has given an Oklahoma postal code and an Illinois area code.

## **B. Respondent**

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

## **6. Discussion and Findings**

The agreement for the registration of the disputed domain name incorporates paragraph 4(a) of the Policy:

**"a. Applicable Disputes.** You are required to submit to a mandatory administrative proceeding in the event that a third party (a "complainant") asserts to the applicable Provider, in compliance with the Rules of Procedure, that

- (i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) you have no rights or legitimate interests in respect of the domain name; and
- (iii) your domain name has been registered and is being used in bad faith.

In the administrative proceeding, the complainant must prove that each of these three elements are present."

### **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 trade mark 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 trade mark 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 other terms here, "quantum" and "recruit", 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.

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.

One of those circumstances is as follows:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location” (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that the Respondent has used the disputed domain name as an email address to attract Internet users (namely persons seeking employment with one of the Complainant's group of companies) to its website or other online location from which it can be inferred that it would expect to derive commercial gain. It follows that the requirements of paragraph 4(b)(iv) are satisfied.

Further, panels have held that the use of a domain name for illegitimate activity here, claimed impersonation of the Complainant and other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <bungeoquantumrecruit.com> be transferred to the Complainant.

*/Jane Lambert/*

**Jane Lambert**

Sole Panelist

Date: May 1, 2025