

ADMINISTRATIVE PANEL DECISION

MINERVA S.A. v. Raul Reges Brandao, Frigomerc S.A, FrigorificoCarrasco SA

Case No. D2025-0971

1. The Parties

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

The First Respondent is Raul Reges Brandao, Paraguay.

The Second Respondent is Frigomerc S.A, FrigorificoCarrasco SA, Uruguay.

2. The Domain Names and Registrars

The disputed domain name <frigomercsa.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "First Registrar").

The disputed domain name <frigorificofrigomerc.com> is registered with Dreamscape Networks International Pte Ltd (the "Second Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 10, 2025. On March 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 11, 2025, the Registrars both transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown Respondent) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 11, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amendment to the Complaint on March 17, 2025.

The Center verified that the Complaint together with the amendment to 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 March 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2025. The Respondents separately sent identical email communications to the Center on March 13, 2025.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on April 15, 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 Minerva SA is a Brazilian corporation established in the city of Barretos, State of São Paulo, Brazil. It is active in the meat and cattle business. The official website of the Complainant is found at <minervafoods.com>. The Complainant acquired a controlling stake in the Paraguayan company Frigomerc S.A., whereby it became the owner of the latter’s meatpacking and cold storage facilities and also of its FRIGOMERC registered trademarks.

Those trademarks are registered in a number of jurisdictions and include the following Brazilian registrations for FRIGOMERC: No. 840373740, registered on November 3, 2015 for services in class 35; No. 840373759, registered on the same date for goods in class 29; No. 920088953, registered on March 23, 2021 for services in class 35; and No. 922285780, registered on January 11, 2022 for goods in class 29. The first two marks consist of the word FRIGOMERC in cursive script plus a device element, the last two of the word FRIGOMERC in cursive script.

The Complainant also owns the domain name <frigomerc.com>.

The disputed domain name <frigorificofrigomerc.com> was registered on December 7, 2024 and <frigomercsa.com> was registered on December 17, 2024. The former domain name address links to the website established at the latter domain name address.

The disputed domain names are said to be used for the purpose of phishing.

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 names.

Notably, the Complainant contends that its FRIGOMERC registered trademark is reproduced in both disputed domain names, with the addition of “frigorifico” in one, a term that stands for “meatpacking plant” The “SA” in the disputed domain name <frigomercsa.com> stands for “Sociedad anonima” which translates to “PLC” or “Public Limited Company”, the Complainant says. Further, according to the Complainant both these composite terms indicate that the adoption of the disputed domain names by the Respondents amounts to a deliberate attempt at passing off by the Respondents. Internet users will immediately associate the disputed domain names with the Complainant, and presume that goods offered at the website to which the disputed domain names resolve come from the same source, which is not in fact the case, the Complainant contends.

The Complainant also points out that it has no business relationship with the Respondents and has not authorized the latter's use of its FRIGOMERC trademarks; the only reason to register the disputed domain names was to cause confusion with the Complainant's FRIGOMERC trademarks and its <frigomerc.com> domain name. The Complainant points to the use of the disputed domain name <frigorificofrigomerc.com> in connection with fraudulent emails impersonating the Complainant and seeking to defraud its customers and provides proof of such correspondence. The latter consists of emails from "Frigomerc S.A [...]@ifrigorificofrigomerc.com" concerning beef exports, with a common footer consisting inter alia of a representation of the FRIGOMERC trademark, in cursive script and a figurative element, resembling that included in one of the Complainant's registered Brazilian trademarks; a telephone number; the email address [...]@frogerificofrigomerc.com; and the web address "frigorificofrigomerc.com". Further, the disputed domain name <frigorificofrigomerc.com> redirects Internet users to the webpage available at the disputed domain name <frigomercsa.com>, which the Complainant asserts impersonates its own official website.

The Complainant points out that the Respondents do not have ascertainable registered or unregistered trademark rights corresponding to the disputed domain names, nor is known by them. In the result the Respondent has no rights or legitimate interests in the disputed domain names, the Complainant contends.

In relation to bad faith use, the Complainant reiterates that the Respondent has no actual or prospective trademark rights relevant to the disputed domain names anywhere, including in Brazil or Paraguay. The Complainant points out that its trademark rights are a matter of public record, and the fact that its trademarks appear as such and in a domain name in the fraudulent emails sent to its customers, establishes that the Respondent must have had knowledge of the Complainant's pre-existing rights in FRIGOMERC. In accordance with the Policy it was in any case the Respondent's responsibility to ensure that the domain names it was to register did not infringe on any third-party rights. The Complainant reiterates that the disputed domain names have been used in connection with fraudulent emails impersonating the Complainant and seeking to defraud its customers. The Complainant adds that it has recently been the target of other phishing attempts using its trademarks, inter alia in a case involving one of its group companies.

The Complainant then reiterates that the Respondent acted in clear bad faith in its attempt to use the disputed domain names to impersonate the Complainant. The Panel notes here that in response to the "Notice of Change - Multiple Underlying Registrants" which the Center emailed to each of the Registrants, it received two emails in reply, one dated March 13, 2025 at 9:29 from "Frigorifico Carrasco S.A []@gmail.com>" and one at 9:32 from "Raul Reges Brandao []@gmail.com". Both emails were otherwise in identical terms and both were undersigned by "Raul Reges B On behalf of Frigomerc S.A.". These emails asserted that both <frigorificofrigomerc.com> and <frigomercsa.com> are owned, controlled, and used by the same entity, Frigomerc S.A (the "Company"). The fact that the two domain registration records show different registrants, ie "Frigomerc S.A" and "FirstName: Raul / LastName: Brandao" is said in this correspondence to arise from the fact that Mr. Brandao, an employee of Frigomerc S.A, completed the registration process on the Company's behalf. The email then provides address and contact details purported to be those of 'Frigomerc S.A', in Canelones, Uruguay. The emails attach registration receipts for the two disputed domain names, assert that the common Registrant company has bona fide rights in the name "Frigomerc" and state that the disputed domain names have been used solely for legitimate business purposes. The email further asserts that there has been no bad-faith registration or use.

In its amended Complaint, subsequent to receiving the information from the Center about the underlying Registrants which were masked by privacy protection, and a copy of the emails noted in the previous paragraph, the Complainant asserts that the latter constitute a further malicious attempt to impersonate the Complainant. The Complainant says that it is the relevant company in the corporate group of which Frigomerc S.A. is another part, an assertion it supports by providing relevant incorporation documents and a table representing all the constituent parts of the wider group, including Minerva and Frigomerc S.A. The Complainant points out that by providing false email addresses which appear as Gmail addresses rather than official corporate email addresses, and further mimicking the Complainant as described above, the Respondents are attempting to impersonate the Complainant. There is, so the Complainant says, not a

shred of evidence provided that establishes or attests to who the Respondent is in reality, other than the registration receipt certificates. The latter are in fact the very proof of the acquisition by the Respondents of their instruments of fraud, the disputed domain names. In other words, the Complainant contends that the Registrant details revealed by the Registrar only strengthen its assertions regarding the Respondents' bad faith and lack of legitimate rights.

B. Respondent

The Respondents did not formally reply to the Complainant's contentions. However, as noted in relation to the Complainant's contentions above, each Respondent did email the Center asserting that it was a legitimate claimant in relation to the disputed domain names. The points made in the Respondents' correspondence with the Center, as well as the Complainant's replies, are summarized in 5 A. above.

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that responses in identical terms received by the Center from the two registrants asserted that the two disputed domain names were owned, controlled and used by the same entity. The two emails concerned were undersigned by the same person and were in identical terms.

In the circumstances there is nothing in practicality, fairness and equity, that would require the Panel to reject consolidation of the disputes.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the FRIGOMERC trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. These rights are based in its Brazilian registrations of trademarks that either consist entirely of the term FRIGOMERC, in cursive script, or of that term prominently represented in composite marks that also include a minor and less distinctive figurative element.

The Panel finds the FRIGOMERC mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Complainant's registered trademarks 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.

The Respondent in two emails to the Center asserts that it is a company called Frigomerc S.A with its address in Uruguay. The sources of each of these identical emails appear alternatively as 'From Raul Reges Brandao []@gmail.com, and 'From: Frigorifico Carrasco S.A []@gmail.com'. The Respondent says that this Frigomerc S.A. is a legitimate entity that has bona fide rights in the name "Frigomerc," and that the disputed domain domains have been used solely for this Company's legitimate business purposes. Apart from these assertions, the other relevant proof provided by the Respondent is two different receipts in relation to the registration of each of the disputed domain names, one from Crazydomains.com and one from DevExpanse Ltd. In each of these the party to which the receipt is directed is identified as Frigomerc S.A. In relation to the disputed domain name <frigorificofrigomerc.com>, the receipt additionally refers to FrigorificoCarrasco S.A..

The Respondent provides no other evidence of its rights in relation to "Frigomerc". It provides no evidence of the incorporation of Frigomerc S.A. in Uruguay or of the legitimate existence and operations of such company. The email addresses it uses in its correspondence with the Center are both Gmail addresses, which is not consistent with usual corporate practice. The purported "Business/VAT/GST number" provided appears contrived. The Respondent also provides no proof that would support the existence of any registered or common law rights to FRIGOMERC as a trademark or business name vesting in it. It in fact provides no proof of its conducting of legitimate business under that name. The only evidence of it conducting any business is the emails provided by the Complainant, which are said to constitute fraudulent impersonations. There is force to this contention as those emails reproduce not just the word FRIGOMERC as a corporate badge but additionally the figurative elements that form a distinctive part of the Complainant's registration of those marks; use email addresses that can only result from and post-date the registration of the disputed domain name <frigorificofrigomerc.com> itself, as well as references to that domain name as its web location. If the Respondent really were a legitimate entity called Frigomerc S.A. there would be no reason to use "frigorificofrigomerc" as its email handle or website identifier. The website to which <frigomercsa.com> resolves, and to which <frigorificofrigomerc.com> links, contrary to the assertion of the registrant in its correspondence with the Center that it is an independent and different company based in Uruguay, says that it is based in Paraguay and that it is "backed by Minerva Foods' expertise".

By contrast the Complainant provides evidence of its trademark registrations for the FRIGOMERC marks in Brazil, and of its incorporation and legitimate connection to business conducted under the name "Frigomerc". It also submitted a full Complaint, and correspondence through authorized representatives. The Respondent did not directly address or deny the Complainant's contentions in relation to fraudulent impersonation. In the circumstances, the proof provided by the Complainant that the Respondent conducts correspondence with clients in search of meat supplies, in a dishonest and deceitful manner is persuasive. On the balance of probabilities, the Panel therefore concludes that the Respondent is attempting to deceitfully impersonate the Complainant, both in its correspondence with third parties and in its emails with the Center.

Panels have held that the use of a domain name for illegitimate activity, here fraudulent impersonation and phishing, 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.

Panels have held that the use of a domain name for illegitimate activity, here fraudulent impersonation and phishing as described in B. Rights and legitimate interests, 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 names constitutes bad faith under the Policy.

In addition to the circumstances that result in a conclusion of bad faith use, it is obvious that the disputed domain names were also registered in bad faith. The composition and subsequent use of the disputed domain names lead to that conclusion, and it would in any case be manifest to anybody, and certainly to one who professes to be implicated in the meat packing and processing business in South America, that the Complainant has exclusive rights in the "Frigomerc" name and "FRIGOMERC" registered trademarks. In any case a simple Google or register search would have made that apparent, even to one not based in Brazil.

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 names <frigomercsa.com> and <frigorificofrigomerc.com> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: April 29, 2025