

## **ADMINISTRATIVE PANEL DECISION**

**BUNGE SA v. Rogers Clane**

**Case No. D2025-1228**

### **1. The Parties**

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

The Respondent is Rogers Clane, United States.

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

The disputed domain name <bunge-alimentos-br.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 March 25, 2025. On March 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 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 (Domain administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 27, 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 April 1, 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 April 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 28, 2025.

The Center appointed Gökhan Gökçe as the sole panelist in this matter on May 1, 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 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; and
- European Union ("EU") Trademark Registration No. 002906832 registered on November 11, 2005 in Classes 1, 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 Complainant is the registrant of numerous domain names including the mark BUNGE, many of which are redirect to its principal website. Those registrations include, for example, <bungealimentos.com> and <bungealimentos.us>.

The disputed domain name was registered on January 22, 2025, and at the time of filing the Complaint it resolved to website with pay-per-click ("PPC") links. It currently resolves to an inactive website. On February 24, 2025, the Complainant submitted an abuse complaint to the Registrar and hosting provider requesting the suspension of the disputed domain name, supported by technical evidence. However, no action was taken. Subsequently, the Complainant received a report from a potential customer that the disputed domain name was actively used to send fraudulent purchase inquiries via the email address "[...].@bunge-alimentos-br.com" impersonating a current employee of 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 the Complainant's trademark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The disputed domain name was registered and is being used in bad faith. The Complainant has further asserted and documented that the Respondent has used the disputed domain name to perpetrate a phishing scheme. Specifically, the Respondent has sent emails from the address

"[...]@bunge-alimentos-br.com" to impersonate (or at least appear as) an employee of the Complainant, whose email signature even cites the Complainant's company name located in Brazil and website address. The Complainant thus asserts that this is evidence that the Respondent lacks any rights or legitimate interest in the disputed domain name and that it registered and used the disputed domain name in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the 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 has been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations provided in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently with the consensus views stated therein.

### **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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable 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.

It is also well accepted that a generic Top-Level Domain, in this case ".com", is typically ignored when assessing the similarity between a trademark and a domain name. [WIPO Overview 3.0](#), section 1.11. section 1.8.

Although the addition of other terms in this case “alimentos” and “br”, 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.

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.

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 Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

First, the registrations by the Complainant of the trademark BUNGE constitute prima facie evidence of the Complainant’s rights to these trademarks. The Respondent is neither sponsored, affiliated, licensed nor authorized to use the Complainant’s trademarks in any manner, including in the disputed domain name.

Second, the Respondent is not commonly known by the disputed domain name, which suggests a lack of rights and legitimate interests in the disputed domain name.

Third, the Respondent’s registration of the disputed domain name on January 22, 2025, came significantly later than the Complainant’s registration of its trademarks. Prior to the Respondent’s registration of the disputed domain name, the Complainant’s trademarks had enjoyed a high degree of fame and reputation which the Respondent was not authorized to share.

The Respondent has chosen not to respond to the Complaint to explain its registration or use of the disputed domain name, or to take any other steps to counter the prima facie case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the disputed domain name.

Panels have held that the use of a domain name for illegal activity as claimed by the Complainant (Annex 8 to the Complaint), the Respondent has used, and/or is using, the disputed domain name for a fraudulent scheme, namely, to impersonate the Complainant’s company in order to falsely communicate a purchase

inquiry on the Complainant's behalf. This kind of activity 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.

In the present case, the Panel notes that the Respondent must have been aware of the Complainant's trademark as the disputed domain name was registered approximately 28 years after the registration of the Complainant's trademark. The disputed domain name incorporates the Complainant's registered trademark BUNGE together with the term "alimentos" (Portuguese for "foods") and the country code abbreviation "br," which corresponds to the Complainant's subsidiary in Brazil, Bunge Alimentos S.A. The overall composition of the disputed domain name falsely suggests an affiliation with the Complainant's Brazilian operations.

In addition, the Complainant has provided evidence that the Respondent has used the disputed domain name to impersonate the Complainant and its affiliates by sending fraudulent purchase inquiries, including the use of personal information belonging to a current employee of the Complainant. Such use, clearly aimed at misleading third parties into believing they are communicating with the Complainant or its Brazilian subsidiary, demonstrates an intent to exploit the Complainant's trademark and reputation. Panels have consistently held that such conduct constitutes bad faith use under the Policy.

In addition, the Panel accepts the failure of the Respondent to submit a response to the Complainant's contentions as an additional indication for bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity like phishing or impersonation 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.

Furthermore, the Panel notes that at the time of filing the Complaint disputed domain name resolved to a website with PPC links. The Panel finds that per paragraph 4(b)(iv) of the Policy, the Respondent registered and used the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's mark.

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 <bunge-alimentos-br.com> be transferred to the Complainant.

*/Gökhan Gökçe/*

**Gökhan Gökçe**

Sole Panelist

Date: May 12, 2025