

## **ADMINISTRATIVE PANEL DECISION**

Brigard & Urrutia Abogados S. A. S. v. Erick Almeida

Case No. D2025-2792

### **1. The Parties**

The Complainant is Brigard & Urrutia Abogados S. A. S., Colombia, self-represented.

The Respondent is Erick Almeida, Colombia.

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

The disputed domain name <buffetbrigadurrrutia.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 15, 2025. On July 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Complainant filed an amended Complaint on July 23, 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 July 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 14, 2025.

The Center appointed Daniel Peña as the sole panelist in this matter on August 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 is a Colombian law firm with over 90 years of history, more than 140 attorneys, and over 23 practice areas, including corporate, finance, litigation, antitrust, public law, and tax. It has participated in cross-border transactions for corporations, financial institutions, and government entities, and its brand is widely recognized in Colombia and Latin America for longstanding legal industry recognition.

The Complainant is the owner of the following trademarks:

- Colombian Registration No. 233365 for BRIGARD&URRUTIA, registered on November 16, 2000, covering services in class 42.
- Colombian Registration No. 345309, for BRIGARD&URRUTIA, registered on February 7, 2008, covering services in class 42.
- Colombian Registration No. 595695, for BRIGARD URRUTIA, registered on June 8, 2018, covering services in classes 36 and 45.
- Colombian Registration No. 596628, for BU, registered on June 26, 2018, covering services in classes 36 and 45.

The disputed domain name was registered on May 31, 2021. It is currently inactive.

#### **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.

The Complainant contends that the disputed domain name bears a close resemblance to its BRIGARD & URRUTIA and BRIGARD URRUTIA trademarks (hereinafter, the "BRIGARD URRUTIA trademarks"), which enjoy widespread recognition within the legal sector. Such similarity is likely to mislead consumers and suggests a deliberate attempt by the Respondent to capitalize on the Complainant's reputation and goodwill.

The Complainant argues that the term "buffet" is nearly identical to "bufete", a Spanish word for law firm. Its inclusion does not distinguish the domain name but rather reinforces its association with legal services.

The Complainant maintains that BRIGARD and URRUTIA has no meaning in English or Spanish and is not commonly used by consumers. It derives from the surnames of the Complainant's founders and is uniquely associated with its legal practice.

The Complainant contends that the Respondent has no connection to these surnames, no authorization to use the trademark, and no evidence of legitimate interest. The disputed domain name is inactive and not used for any fair purpose.

The Complainant states that the unauthorized registration of a nearly identical term to its trademark strongly indicates that the Respondent holds no rights or legitimate interests in the disputed domain name.

The Complainant observes that it is a well-established law firm with trademarks in use since 1934 and domain name <bu.com.co> active since 2005. Its trade name and mark are widely recognized in Colombia and Latin America.

The Complainant notes that the Respondent registered a domain name that fully reproduces its trademarks BRIGARD URRUTIA, demonstrating prior knowledge and intent to mislead.

The Complainant emphasizes that the inclusion of the expression “buffet” confirms the disputed domain name was designed to evoke its identity and link it to legal services.

The Complainant points out that the Respondent's Bogota address suggests familiarity with its reputation and supports the inference of bad faith.

The Complainant argues that, given prior fraudulent attempts involving its name, this registration poses a risk of deception and misuse.

The Complainant concludes that the Respondent is not authorized and has no rights over the mark.

The disputed domain name was registered in bad faith to exploit the Complainant's reputation.

## **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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. Considering these requirements, the Panel rules as follows:

### **A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant has provided evidence of its rights in the trademarks BRIGARD URRUTIA on the basis of its multiple Colombian trademark registrations. The Panel finds that the Complainant has shown rights in respect of the trademarks for the purposes of the Policy (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.2.1). The Panel finds that the disputed domain name is confusingly similar to the Complainant's BRIGARD URRUTIA trademarks.

The Respondent's incorporation of the Complainant's mark in full in the disputed domain name is evidence that the disputed domain name is confusingly similar to the Complainant's marks. [WIPO Overview 3.0](#), section 1.7. Although the addition of other term here, “buffet” may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 generic Top-Level Domain (“gTLD”) “.com” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

[WIPO Overview 3.0](#), section 1.11.1.

The Panel is satisfied that the disputed domain name is confusingly similar to the Complainant’s mark and the Complainant has satisfied the first requirement of the Policy.

## **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.

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 further finds that the mark BRIGARD URRUTIA has no inherent meaning in either English or Spanish and is not commonly used by consumers. It is derived from the surnames of the Complainant’s founders and is uniquely associated with its legal practice. The composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Based on the information submitted by the Complainant, the Complainant has not granted the Respondent authorization to use the disputed domain name. Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

Finally, the Respondent did not file a Response to the Complaint. The Panel may draw from the lack of a Response the inferences that it considers appropriate, according to the Rules, paragraph 14(b). The Panel finds that 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 disputed domain name reproduces the Complainant’s mark BRIGARD URRUTIA in its entirety. The addition of the term “buffet”, which closely resembles “bufete”—a Spanish term for law firm—does not serve to distinguish the domain name. Rather, it reinforces the association with legal services and increases the likelihood of confusion among Internet users.

Therefore, the Panel finds it likely that the Respondent was aware of the Complainant’s mark at the time of registration of the disputed domain name. On this subject, section 3.1.4 of the [WIPO Overview 3.0](#) provides: “Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar [...] to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.” The Panel therefore holds that the disputed domain name was registered in bad faith.

From the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding; see the [WIPO Overview 3.0](#), section 3.3. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good faith use, (iii) the respondent's concealing its identity or use of false contact details and (iv) the implausibility of any good faith use to which the domain name may be put.

Applying these factors to the circumstances of these proceedings: (i) the Complainant has provided evidence which establishes, for the purpose of the Policy, that its trade mark is distinctive in the context of the services for which it is registered; (ii) the Respondent has not provided a reply to the Complainant's contentions nor is there any evidence of actual or contemplated good faith use of the disputed domain names; (iii) the Respondent has sought to conceal its identity by the provision of false registration details; and (iv) there is nothing in the record which indicates the Respondent's intention to put either disputed domain name to a good faith use.

Accordingly, in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. Having reviewed the record, and for the reasons set out above, the Panel finds the Respondent's registration and use of the disputed domain name has been in bad faith.

## **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 <buffetbrigadurrutia.com> be transferred to the Complainant.

*/Daniel Peña/*

**Daniel Peña**

Sole Panelist

Date: September 3, 2025