

ADMINISTRATIVE PANEL DECISION

THE GB FOODS, S.A. v. Peter Bukuras

Case No. D2025-2851

1. The Parties

The Complainant is THE GB FOODS, S.A., Spain, represented by Garreta i Associats, Spain.

The Respondent is Peter Bukuras, United States of America ("United States"), self-represented.

2. The Domain Name and Registrar

The disputed domain name <gbfoods.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 July 18, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 21, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name, that 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 July 22, 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 July 24, 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 July 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2025. The Response was filed with the Center August 1, 2025.

The Center appointed Matthew Kennedy, Edoardo Fano, and Thomas L. Creel as panelists in this matter on September 9, 2025. The Panel finds that it was properly constituted. Each member of 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 Spanish company incorporated in 1978 that supplies food products to many countries in Europe and Africa. Its history began with the brand GALLINA BRANCA, founded in Barcelona in 1937, and today it has over 30 brands. The Complainant holds multiple trademark registrations, including the following:

- European Union trademark registration number 013648506 for GB FOODS, registered on May 28, 2015, specifying services in class 35;
- Spanish trademark registration number 3551664 for a figurative GB FOODS mark, registered on April 6, 2016, specifying goods and services in classes 29, 30, and 35; and
- European Union trademark registration number 013709861 for a figurative GB FOODS mark, registered on July 28, 2016, specifying services in class 35.

The above trademark registrations are current. The Complainant also operates a website of which the Spanish version is associated with the domain name <thegbfoods.com> and the English version is associated with the subdomain <gbprodgbfoods.azurewebsites.net>. The website displays the figurative GB FOODS mark and some of the Complainant's local brands (i.e., Jumbo, Gallina Blanca, Erasco, Gino, Liebig, Star, Bama, D&L, Grand'Italia and Blå Band), and provides information about the company and its product categories. The company's purpose is "Celebrating local flavours".

The Respondent is a food business development manager based in the United States.

The disputed domain name was originally registered on August 8, 2005 by a Chinese company named Golden Banyan Foodstuffs Co. Ltd, which used it in connection with a website. The Respondent purchased the disputed domain name from the Registrar's broker service no earlier than 2024 and no later than February 2025. The disputed domain name now resolves to a website that prominently displays a GB Foods logo, images of food and a "Contact Us" button.

According to evidence presented by the Respondent and uncontested by the Complainant, on February 19, 2025 a Spanish consulting firm claiming to represent the Complainant sent a cease-and-desist letter via the Contact Us button on the website associated with the disputed domain name, stating that the Respondent's adoption of the disputed domain name created a presumption of bad faith, to which the Respondent's father, Mr. Bukuras, replied via email. They then exchanged several emails setting up a conversation via Zoom between the alleged representative, and Mr. Bukuras, and the Respondent, regarding a possible transfer of the disputed domain name. They had an apparently amicable conversation on March 12, 2025. After that call there were at least two further email communications from the alleged representative starting with "Hi Greg, Peter". The result of the conversation was an email sent on March 24, 2025 in which Mr. Bukuras indicated that he had complied with United States law when he applied for the name and that he would respond to an offer but had no intention of giving up his company name.

This prior conversation is not disclosed in the Complaint. Indeed, the Complaint states that the Complainant could not provide contact information for the Respondent because it had not been in contact with them.

According to evidence presented by the Complainant, its legal representative in this UDRP proceeding sent a second enquiry to the Respondent on July 9, 2025 via the Contact Us button on the website associated with the disputed domain name. This enquiry regarded the Respondent's activity, services, and product availability. It received an automated reply.

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 identical to its GB FOODS trademarks.

The Complainant alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name is being used for a website, but there is no activity as the products offered cannot be purchased. There is nothing specific about the products and services offered, and the product pictures seem to be unavailable for purchase as there are no purchase instructions or prices. Additionally, the website has a "Contact Us" section, but it does not work because they do not respond to messages asking about the products or services they offer. There is no indication that the Respondent has used, or is preparing to use, the disputed domain name in connection with a bona fide offering of goods or services. There is no evidence that the Respondent is commonly known by the disputed domain name because there is no record of his activity on the Internet or elsewhere. The Respondent does not own any trademark or service mark rights. The owner of the disputed domain name conceals his identity in both the Registration Agreement and on his website. Instead, the Complainant is well known in the market because it uses its trademark to sell products in Europe and Africa. Its website is also available in Spanish and English. The owner of the disputed domain name is creating confusion in the market with his website because he is not using the disputed domain name for commercial or other legal activities. (The Panel notes that the Complainant offers no evidence of confusion.)

The disputed domain name has been registered and is being used in bad faith. By the time that the disputed domain name was transferred to the Respondent, almost 10 years had elapsed since the Complainant registered the GB FOODS trademarks, which had been used intensively throughout that time to distinguish their products and services on the market, including on its website. Therefore, the Respondent knew or should have known that the disputed domain name was identical to the Complainant's trademarks. The website associated with the disputed domain name has no activity, yet it is related to the same field of activity as the Complainant. This suggests an intention to prevent its use. Thus, the Complainant can conclude that the disputed domain name was primarily acquired by the Respondent in bad faith to prevent the Complainant from using its marks in its domain name for the website.

B. Respondent

The Respondent contends that the Complainant cannot meet any of the elements required under the Policy and that the Complaint should be dismissed in its entirety.

Notably, the Respondent contends that he is a legitimate, United States-based business that has operated for over a decade under the name "GB Foods". The company was founded by his father, [G. Bukaras], who owns a major frozen appetizer manufacturing business in Massachusetts. GB Foods has operated continuously and in good faith under that name, long before acquiring the disputed domain name in 2025 from the Registrar's broker via a public sale.

The Respondent submits that he has rights and legitimate interests in respect of the disputed domain name. He uses the disputed domain name in connection with a bona fide offering of goods and services. GB Foods is an operational United States food company that sells to grocery stores and national restaurant chains, not directly to consumers. This explains the absence of e-commerce features on the website — not due to inactivity, but because the business model does not utilize online sales. "GB" stands for [G. Bukaras], the company's founder, and has been associated with the business for over a decade. The company and brand identity have long been connected with "GB Foods". In pre-Complaint communications with a representative of the Complainant, the Respondent disclosed that they had been attempting to purchase the disputed

domain name for years and, while it was owned by another party, the Respondent had operated using the domain name <foodstartshere.com>. Once the Respondent saw the disputed domain name for sale, the Respondent purchased it through the Registrar's broker.

The Respondent submits that the disputed domain name has not been registered and is not being used in bad faith. The Respondent has no intent to sell or profit from trademark confusion. At no point did he approach the Complainant offering to sell the disputed domain name. In fact, the Complainant contacted the Respondent about acquiring it. The Respondent clearly stated that he was not interested in giving up his business identity, but would review any offers they wished to make. The Respondent has made no attempt to impersonate or confuse. He does not engage in misleading activity. He does not advertise in the European Union or target European markets. The Respondent's target customer base is United States food distributors and retail buyers — not consumers and certainly not the Complainant's markets. The Complainant's legal representative sent messages via chatbot on July 7 and 9, 2025, asking about catering services. These inquiries appear to have been staged for the purpose of claiming that the Respondent is inactive or evasive. This is disingenuous, particularly since both the Respondent and his father had already been in direct contact with another representative of the Complainant via email and Zoom. The Respondent has never ignored legitimate inquiries but simply disregards obvious spam, scams, or misdirected consumer messages.

The Respondent clarifies that, while his company is operationally named "GB Foods", that is not the brand identity seen by consumers in grocery stores. Rather, the company has developed and marketed at least four distinct product brands that operate under the GB Foods corporate umbrella. The disputed domain name and company identity support internal operations, vendor relationships, and business development efforts.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements:

- (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.

The burden of proof of each element is borne by the Complainant. Failure to prove any one element will result in denial of the Complaint.

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. See 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 GB FOODS trademark for the purposes of the Policy. The jurisdiction where the trademark is valid is not considered relevant to the assessment under the first element. See [WIPO Overview 3.0](#), sections 1.1.2 and 1.2.1.

The disputed domain name wholly incorporates the GB FOODS mark. The only additional element in the disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain name registration, may also be disregarded in the assessment of identity or confusing similarity. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy.

See [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Given the Panel's findings regarding the third element of the Policy, it is unnecessary to consider the second element.

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. The second of these circumstances is as follows:

“(ii) [the respondent has] registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the respondent has] engaged in a pattern of such conduct.”

In the present case, the disputed domain name was registered by the Respondent years after the registration of the Complainant's GB FOODS mark. The disputed domain name is identical to that mark, adding only a gTLD extension. However, the Panel notes that the mark is composed of a common word (“foods”) preceded by two letters (“GB”) that can serve as the initials of food business operators, not only Gallina Blanca (the Complainant's original brand) but also Golden Banyan (the previous registrant of the disputed domain name). They are also the initials of the Respondent's father.

The Complainant submits that the Respondent knew, or should have known, that the disputed domain name was identical to the Complainant's trademarks when he registered the disputed domain name. The Complainant alleges that its GB FOODS marks had been used intensively during the previous 10 years to distinguish its products and services on the market, including on its website. However, the Panel notes that the website associated with the disputed domain name for 20 years before it was acquired by the Respondent was not a website for the Complainant but was rather for a third party (Golden Banyan). Nothing on that website would have alerted the Respondent to the existence of the Complainant's marks.

The Complainant provides a copy of the Who We Are page from the English version of its own website, associated with a subdomain of a cloud service, which clearly shows that GB FOODS is its corporate mark. However, the record does not show that the GB FOODS mark has been used anywhere else, either online or offline. While the Complainant's website shows that it has significant operations in many countries in Europe and Africa, the website emphasizes that the Complainant markets products using a wide range of local brands and does not show that any products or services are marketed using the GB FOODS corporate mark. Accordingly, the Complainant has not substantiated its allegation regarding intensive use of this mark.

The Respondent operates in the food sector and can reasonably be expected to be aware of other brands in that market. However, the Complainant does not allege that it has any trademark or business in the United States, where the Respondent is based, and it does not provide the results of an Internet search for “GB Foods”.

The Complainant submits that the website associated with the disputed domain name has no activity while it is related to the Complainant's field of activity, and claims that this suggests an intention to prevent the Complainant reflecting its GB FOODS trademark in the domain name associated with its website. In support, the Complainant provides evidence that the Respondent did not respond to a general online enquiry in July 2025. However, another party (claiming to be a representative of the Complainant) had engaged in correspondence and a Zoom call with the Respondent and his father in February and March 2025, initiated via the Contact Us button on the website. The Respondent's website lacks interactive functionality but it

does display product photographs with contact details. Given that the disputed domain name contains the descriptive term “foods”, its use with a website related to food does not necessarily indicate an intention to prevent the Complainant from reflecting its trademark in the “.com” domain. Further, the Complainant provides no evidence of a pattern of such conduct as envisaged in paragraph 4(b)(ii) of the Policy and does not suggest that the Respondent has registered any other domain name that incorporates a third party trademark.

In view of these circumstances, on the balance of probabilities, the Panel does not find that the Complainant has discharged its burden of demonstrating that the disputed domain name was registered in bad faith.

Therefore, the Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Matthew Kennedy/
Matthew Kennedy
Presiding Panelist

/Edoardo Fano/
Edoardo Fano
Panelist

/Thomas L. Creel/
Thomas L. Creel
Panelist
Date: September 23, 2025