

ADMINISTRATIVE PANEL DECISION

NELOGICA SISTEMAS DE SOFTWARE LTDA. v. Rostislav Haliplii **Case No. D2025-3081**

1. The Parties

The Complainant is NELOGICA SISTEMAS DE SOFTWARE LTDA., Brazil, represented by Zavagna Gralha Advogados, Brazil.

The Respondent is Rostislav Haliplii, United Kingdom ("UK"), represented by Motsnyi IP Group, Serbia.

2. The Domain Name and Registrar

The disputed domain name <profit.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 August 1, 2025. On August 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 5, 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 August 8, 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 August 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2025. The Response was filed with the Center on August 26, 2025.

The Center appointed Rodrigo Azevedo, Edoardo Fano, and David E. Sorkin as panelists in this matter on September 19, 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.

The Panel has not received any requests from the Complainant or the Respondent regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is NELOGICA SISTEMAS DE SOFTWARE LTDA., a Brazilian company created in 2003 to provide tech solutions for the financial market, focusing mainly on the development and licensing of computer programs, and owning the following trademark registrations for PROFIT in Brazil:

- Brazilian Trademark Registration No. 825291747 for PROFIT, registered on March 3, 2009;
- Brazilian Trademark Registration No. 825291755 for PROFIT, registered on March 3, 2009.

The Complainant also operates on the Internet, its official websites being “www.nelogica.com.br” and “www.blackarrowtrading.com”.

The Complainant provided evidence in support of the above.

The Respondent is Rostislav Haliplii, a UK tech entrepreneur with background in finance and one of the shareholders and director of Darqube Ltd, a company incorporated in the UK on September 9, 2019.

The Respondent provided evidence in support of the above.

The disputed domain name was first registered on May 20, 1997, and it was acquired by the Respondent on December 27, 2022, according to the Respondent's notarized declaration of August 19, 2025, and to the relevant purchase agreement. The disputed domain name resolves to a website on which trading tools and market opportunities are offered.

On April 29, 2025, and on May 12, 2025, the Complainant's legal representatives sent a cease-and-desist letter and email to the Respondent, without receiving any 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 states that the disputed domain name is identical to its trademark PROFIT.

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since it has not been authorized by the Complainant to register the disputed domain name or to use its trademark within the disputed domain name, it is not commonly known by the disputed domain name and it is not making either a bona fide offering of goods or services or a legitimate

noncommercial or fair use of the disputed domain name. The Complainant states that the disputed domain name resolves to a website, also in the Portuguese language, on which the same services as the Complainant, namely trading tools and market opportunities, are offered by the Respondent using symbols, advertising pieces and publications clearly reproducing the intellectual creations and misusing the Complainant's trademarks, infringing its copyright and industrial property rights. Moreover, the Complainant asserts that the disputed domain name has been used by the Respondent as a financial trading scam, which cannot be considered a noncommercial or fair use.

The Complainant submits that the Respondent has registered the disputed domain name in bad faith, since the Complainant's trademark PROFIT is well known in Brazil in the field of electronic trading platform. Therefore, the Respondent targeted the Complainant's trademark at the time of registration of the disputed domain name and the Complainant contends that the use of the disputed domain name to attract and divert the Complainant's potential customers and users to its scamming website, seeking to parasitically profit from the Complainant's and its products notoriety, qualifies as bad faith registration and use.

B. Respondent

The Respondent contends that the Complainant has not satisfied two of the elements required under the Policy for a transfer of the disputed domain name and therefore requests the denial of the relief requested in the Complaint.

Notably, the Respondent acknowledges that the term "profit" is a trademark owned by the Complainant. However, the Respondent asserts that, while the disputed domain name is identical to the Complainant's trademark, the Complainant's trademark is registered only in Brazil and the Complainant is not known outside of Brazil, while the Respondent's business is incorporated in the UK, and its main customers are in the UK, Europe, Japan, and the United States of America.

Moreover, the Respondent asserts to have rights and legitimate interests in the disputed domain name, as the latter was acquired by the Respondent as a premium domain name on behalf and in the interests of its company Darqube Ltd from a previous registrant of the disputed domain name, Tasos Papanastasiou, under the domain name purchase agreement dated December 27, 2022, the agreed price of the disputed domain name being EUR 1,100,000. The transfer of the disputed domain name to Darqube Ltd was part of the investment round and Tasos Papanastasiou became an investor and one of the shareholders of Darqube Ltd. The Respondent contends that the disputed domain name is genuinely used in connection with his business, which is directly related to the meaning of the word "profit".

The Respondent declares that he has never heard of the Complainant and only learned about the existence of the Complainant when the Complainant's lawyers sent a cease-and-desist letter to the Respondent.

The Respondent contends that the disputed domain name was not registered in bad faith, but instead it was purchased because of its attractiveness as a common dictionary word and its relevance to Respondent's business for a genuine project in the field of financial analytics and trading. The Respondent asserts not to be engaged in any illegal activity, as passing off, impersonation or fraud, and that the Complainant has not proved that the Respondent's platform is a scam, as the Complainant allegation is based on a publication that contains a standard disclaimer located in the footer of the crowdfunding platform Republic (<europe.republic.com>), which is displayed uniformly across all projects listed on the platform: this disclaimer is not evidence of any issue specific to Darqube Ltd, but instead it is a legally required risk disclosure intended to inform investors of the general risks relating to startup investment.

The Respondent asserts that he and his company do not use any intellectual property of Complainant, contrary to Complainant's allegations: shapes, colors and the overall visual impression on the Respondent's website at the disputed domain name are very different from the ones used by the Complainant in its websites.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

- (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.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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 1.11.1.

Based on the available record, 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.

The Complainant, as set out above, asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since it has not been authorized by the Complainant to register the disputed domain name or to use its trademark within the disputed domain name, nor is making either a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. The Complainant states that the disputed domain name resolves to a website, also in the Portuguese language, on which the same services as the Complainant, namely trading tools and market opportunities, are offered by the Respondent using symbols, advertising pieces and publications clearly reproducing the intellectual creations and misusing the Complainant's trademarks, infringing its copyright and industrial property rights. Moreover, the Complainant asserts that the disputed domain name has been used by the Respondent as a financial trading scam, which cannot be considered a noncommercial or fair use.

The Respondent, on the other hand, claims to have rights in respect of the disputed domain name, since it was registered because of its attractiveness as a common dictionary word and its relevance to the Respondent's business for a genuine project in the field of financial analytics and trading.

In any event, in light of the Panel's findings below it is not necessary to make a determination on the matter.

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 evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

In fact, the Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights because the Complainant has not been able to prove that its trademark, which is not inherently distinctive for the services provided, and which also corresponds to a dictionary term and is therefore attractive as a domain name, enjoys such a reputation and in particular outside of Brazil that the Respondent would have been aware of it, and therefore targeted its reputation and goodwill in acquiring the disputed domain name. [WIPO Overview 3.0](#) section 3.2.2.

As regards the visual comparison between the Respondent's website at the disputed domain name and the Complainant's websites, the Panel finds that these visual similarities are rather superficial and more likely to be the result of a coincidence rather than targeting.

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

7. Decision

For the foregoing reasons, the Complaint is denied.

/Edoardo Fano/
Edoardo Fano
Presiding Panelist

/Rodrigo Azevedo/
Rodrigo Azevedo
Panelist

/David E. Sorkin/
David E. Sorkin
Panelist
Date: October 3, 2025