

ADMINISTRATIVE PANEL DECISION

Petróleo Brasileiro S.A – Petrobras v. PITOU THAONG
Case No. D2025-3373

1. The Parties

The Complainant is Petróleo Brasileiro S.A – Petrobras, Brazil, represented by Siqueira Castro Advogados, Brazil.

The Respondent is PITOU THAONG, Cambodia.

2. The Domain Names and Registrar

The disputed domain names <petrobraswin.com>, <petrobraswin.vip>, <1petrobraswin.com>, and <6petrobraswin.com> are registered with Gname.com Pte. Ltd.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 21, 2025. On August 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 25, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 25, 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 26, 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 18, 2025.

The Center appointed Peter Burgstaller as the sole panelist in this matter on September 26, 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 Brazilian established and worldwide leading energy company with presence in several countries (Annexes 1 and 7 to the Complaint).

It owns numerous trademark registrations consisting of the mark PETROBRAS in various jurisdictions around the world, inter alia:

- in Brazil, Registration No 002709007, registered on July 12, 1962;
- in Australia, Registration No 945011, registered on February 25, 2003;
- in United States of America, Registration No 77976086, registered on September 1, 2009;
- in India, Registration No 1250839, registered on March 19, 2009;
- in Japan, Registration No 5207907, registered on February 27, 2009.

(Annexes 6 and 8 to the Complaint).

Under the domain name <petrobras.com> the Complainant provides its main business website (Annex 9 to the Complaint). The Complainant furthermore owns inter alia the domain names <petrobras.com.br>, <petrobras.net>, <petrobras.org>, <petrobras.us> or <petrobras.fr>.

The disputed domain names were registered on July 12, 2024 (Annexes 2.1 – 2.4 to the Complaint). At the time of filing the Complaint, the disputed domain names resolved to gambling websites (Annexes 4.1 – 4.4 to the Complaint).

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 the disputed domain names are confusingly similar to the well-known and distinctive PETROBRAS mark in which the Complainant has rights. The only difference to the PETROBRAS mark is the suffix "win" and regarding the disputed domain names <1petrobraswin.com> and <6petrobraswin.com> the prefix of the numbers "1" and "6". The mere addition of these numbers as prefix and the suffix "win" to the Complainant's trademark does not negate the confusing similarity between the disputed domain names and the Complainant's trademark under the Policy.

Furthermore, the Complainant notes that the Respondent does not have any rights or legitimate interests in the disputed domain names. The Respondent is not linked to the Complainant in any way whatsoever and has never been authorized by the Complainant to register domain names that are similar to its trademark. The Respondent is moreover not commonly known by or associated with the disputed domain names and does not use them for any bona fide offering of goods or services.

The Complainant states that the disputed domain names were registered and used in bad faith by the Respondent. The disputed domain names were registered decades after the Complainant has established rights in the mark PETROBRAS and this mark is distinctive and well known; hence, the Respondent must have been aware of the Complainant and its rights in the mark PETROBRAS when registering the disputed domain names.

Further, the Complainant contends that the disputed domain names resolved to websites featuring gambling content of unknown origin that could be scams, which provides evidence of the Respondent's bad faith registration and use of the disputed domain names with the deliberate intention of causing confusion to Internet users as to an association between the disputed domain names and the Complainant; and this can only be explained as an attempt to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the Respondent's websites.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests with respect to the disputed domain names; and
- (iii) the disputed domain names have been registered and are 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. This test typically involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within 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 submitted evidence which establishes rights in the trademark PETROBRAS.

Since it has long been held that generic Top-Level Domains ("gTLDs") are generally disregarded when evaluating the confusing similarity of a disputed domain name, the crucial question in this case is whether the second-level of the disputed domain names "petrobraswin", "1petrobraswin" and "6petrobraswin" are confusingly similar to the Complainant's trademark PETROBRAS; the Panel finds that they clearly are: The Complainant's trademark PETROBRAS is recognizable within the disputed domain names, and the addition of the suffix "win" as well as the numbers "1" and "6" do not prevent a finding of confusing similarity to the PETROBRAS mark of the Complainant.

Therefore, 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 the disputed domain names.

While 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 often impossible 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. 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 record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names, since it has never assigned, granted, licensed, sold, transferred, or in any way authorized the Respondent to register the disputed domain names or use its trademark in any manner.

The Respondent is not commonly known under the disputed domain names and the disputed domain names are not being used for a bona fide offering of goods or services; rather, it appears most likely that the disputed domain names were specifically chosen to falsely suggest an affiliation with the Complainant.

Furthermore, the composition of the disputed domain names, comprising the Complainant's mark PETROBRAS together with the suffix "win" and the numbers "1" and "6" regarding the disputed domain names <1petrobraswin.com> and <6petrobraswin.com> as prefix, coupled with the use of the disputed domain names, is likely to mislead Internet users, cannot be considered fair use – the opposite is the case: such conduct does not give rise to rights or legitimate interests.

Finally, the Respondent did not provide any evidence showing its rights or legitimate interests in the disputed domain names – it did not file a Response and has therefore not rebutted the Complainant's contentions.

Based on the available records, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

As stated in many decisions rendered under the Policy (e.g., *Robert Ellenbogen v. Mike Pearson*, WIPO Case No. [D2000-0001](#)) both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainant must show that:

- the disputed domain names were registered by the Respondent in bad faith, and
- the disputed domain names are being used by the Respondent in bad faith.

(i) The Complainant has established rights in the mark PETROBRAS many years before the registration of the disputed domain names. Furthermore, the Complainant is using the mark PETROBRAS in its primary domain name <petrobras.com>, and owns several other domain names which contain the mark PETROBRAS as defining and characteristic part of these.

Because of the reputation and distinctiveness of the PETROBRAS mark, it is inconceivable for this Panel that the Respondent has registered the disputed domain names without knowledge of the Complainant's rights. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous trademark by an unaffiliated entity (as it is in the present case) can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Finally, a simple online search for "petrobras" would have shown the Complainant and its marks. [WIPO Overview 3.0](#), section 3.2.2.

Therefore, the Panel is convinced that the disputed domain names were registered in bad faith by the Respondent.

(ii) The Complainant has put forward evidence that the disputed domain names were used by the Respondent prior to filing of the Complaint to resolve to websites featuring gambling content.

This is likely to disrupt the Complainant's business and shows that the Respondent intentionally attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, which constitutes bad faith use.

The evidence and documents produced and put forward by the Complainant together with the fact that the Respondent has failed to file a formal Response and therefore failed to present any evidence of any good faith registration and use with regard to the disputed domain names clearly prove that the disputed domain names were registered and are used by the Respondent in bad faith under paragraph 4(a)(iii) of the Policy.

Based on the available record, 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 <petrobraswin.com>, <petrobraswin.vip>, <1petrobraswin.com> and <6petrobraswin.com> be canceled.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: October 4, 2025