

ADMINISTRATIVE PANEL DECISION

Pluspetrol SA v. Josue Miguel Gusieff

Case No. D2025-3775

1. The Parties

The Complainant is Pluspetrol SA, Argentina, represented by Allende & Brea Law Firm, Argentina.

The Respondent is Josue Miguel Gusieff, Colombia.

2. The Domain Name and Registrar

The disputed domain name <pluspetroll.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 September 17, 2025. On September 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 18, 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 Center verified that 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 September 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 14, 2025.

The Center appointed Francisco Castillo-Chacón as the sole panelist in this matter on October 17, 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 private international company with more than 45 years of experience in the exploration and production of oil and gas. Its operations extend across Argentina, Bolivia, Colombia, Ecuador, the United States, the Netherlands, Peru, and Uruguay.

The Complainant is the owner of several trademarks containing the element PLUSPETROL, including but not limited to:

- Peruvian trademark registration No. T00015082 for PLUSPETROL & design, registered on February 3, 2016, covering services in international classes 1, 37, and 39;
- Argentine trademark registration No. 3433130 for PLUSPETROL & design, registered on August 28, 2023, covering goods in class 4, as a renewal of registration No. 2651901; and
- Argentine trademark registration No. 3570320 for PLUSPETROL & design, registered on July 5, 2024, covering services in class 37, as a renewal of registration No. 2712059.

The Complainant also owns the domain name <pluspetrol.net>, registered on October 2, 2000.

The disputed domain name was registered on September 1, 2025, and was used according to the evidence submitted with the Complaint to impersonate the Complainant - replicating its information and activities - in an apparent attempt to mislead Internet users seeking to access the Complainant's official website.

5. Parties' Contentions

A. Complainant

The Complainant submits that all the requirements set forth under the Policy for the transfer of the disputed domain name have been duly met.

It argues that the disputed domain name is identical or, at the very least, confusingly similar to its well-known trademark PLUSPETROL.

There is no indication that the Respondent has made any legitimate or bona fide preparations to use the disputed domain name, nor is there any evidence of a noncommercial or fair use. On the contrary, the circumstances show that the Respondent lacks any rights or legitimate interests in relation to the disputed domain name.

Given these facts, the Complainant contends that the disputed domain name is likely to mislead Internet users into believing that the website associated with it is somehow connected to, endorsed by, or offering services of the Complainant.

The Complainant further notes that it holds prior and valid trademark rights over PLUSPETROL, and that the Respondent's registration and use of the disputed domain name were carried out without authorization or consent.

The Complainant emphasizes that its intellectual property rights - both trademark registrations and its domain name - significantly predate the Respondent's registration of the disputed domain name.

In light of these circumstances, the Complainant asserts that the Respondent's actions constitute registration and use in bad faith, and accordingly, requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

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 the 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;
- (iii) and the disputed domain name has been registered and is 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.

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. The disputed domain name is a clear case of misspelling falling within section 1.9.

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.

Panels have held that the use of a domain name for illegitimate activity claimed here as impersonating/passing off 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 was clearly aware of the PLUSPETROL trademark at the time of registering the disputed domain name. The disputed domain name reproduced the PLUSPETROL mark with the addition of a single letter, furthermore the Respondent has used the disputed domain name to impersonate the Complainant. In this case it would be impossible to argue that the Respondent was not aware of the Complainant's trademark. These elements indicate an intentional attempt to attract Internet users by creating a likelihood of confusion with the Complainant's trademark and identity.

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 illegitimate activity claimed here as impersonating/passing off, 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.

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 <pluspetroll.com> be transferred to the Complainant .

/Francisco Castillo-Chacón/
Francisco Castillo-Chacón
Sole Panelist
Date: October 27, 2025