

ADMINISTRATIVE PANEL DECISION

BREVO v. Name Redacted

Case No. D2025-3861

1. The Parties

The Complainant is BREVO, France, represented by Tmark Conseils, France.

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <brevo-review.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 23, 2025. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 2025, 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 (Whois Privacy Protection Foundation, Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 24, 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 amended Complaint on September 26, 2025.

¹The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent's name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 October 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 24, 2025.

The Center appointed Andrea Mondini as the sole panelist in this matter on October 31, 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 major developer of customer relationship management (CRM) solutions. It has been doing business for almost 15 years on an international scale and has today more than 800 employees. The Complainant owns numerous trademark registrations in several jurisdictions, including:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASSES
BREVO	France	4918999	December 6, 2022	9, 35, 36, 38 and 42
BREVO	European Union	018806016	May 3, 2022	9, 35, 36, 38 and 42

The Complainant holds the domain name <brevo.com> which hosts its main website.

Because the Respondent did not file a Response, not much is known about the Respondent.

The disputed domain name was registered on September 11, 2025.

According to the evidence submitted with the Complaint, the disputed domain name resolved to a website comparing the Complainant’s products and services with those of a competitor.

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 as follows:

The trademark BREVO has been extensively used to identify the Complainant and its products and services. The disputed domain name is confusingly similar to the BREVO trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the descriptive term “review” is not sufficient to prevent a finding of confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized by the Complainant to use this trademark, is not commonly known by

the disputed domain name, has not used the disputed domain name in connection with a bona fide offering of goods and services, and is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark. On the contrary, the website associated with the disputed domain name is not a genuine product review, but constitutes a disguised promotion of a competing brand's offerings, to the detriment of the BREVO trademark, which is systematically presented as being inferior to the competitor. Beyond portraying the BREVO trademark negatively, the website at the disputed domain name explicitly encourages users to "switch [...] now" and even highlights special bonuses for new customers, which demonstrates a clear commercial purpose. Taken together, these elements demonstrate that the disputed website does not provide an objective comparison between competing products and services, but constitutes disguised promotional content intended to market third party goods and services and divert users away from the BREVO trademark.

The Respondent registered and used the disputed domain name in order to attract consumers searching for information and customer feedback on BREVO solutions, with the purpose of dissuading them from selecting BREVO and redirecting them toward competing products and services.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademark BREVO at the time it registered the disputed domain name.

By using the disputed domain name to promote the a direct competitor of the Complainant in the CRM solutions market, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website, which is a circumstance of registration and use of the disputed domain name in bad faith pursuant to Policy paragraph 4(b)(iv).

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (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; 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.

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 BREVO is reproduced within the disputed domain name.

Although the addition of other terms such as here “review” may bear on assessment of the second and third elements, the Panel finds that in the present case 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.

The addition of the generic Top-Level-Domain (“gTLD”) “.com” in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [WIPO Overview 3.0](#), section 1.11.1.

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 for a complainant to prove that 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.

UDRP jurisprudence recognizes that the use of a domain name for fair use such as noncommercial free speech, would in principle support a respondent’s claim to a legitimate interest under the Policy. To support fair use under UDRP paragraph 4(c)(iii), the respondent’s criticism must be genuine and noncommercial. In a number of UDRP decisions where a respondent argued that its domain name is being used for free speech purposes the panel has found this to be primarily a pretext for cybersquatting, commercial activity, or tarnishment. [WIPO Overview 3.0](#), section 2.6.

The Panel notes that the Respondent’s website, as suggested by the term “review” in the disputed domain name, compares the Complainant’s products and services with those of its competitor. Although at first sight this seems to be a legitimate exercise of criticism or comment, it is questionable whether this is a genuine product review, considering that the Respondent’s website consistently highlights the purported advantages of the competitor while portraying BREVO negatively. Significantly, this website also prominently, explicitly and repeatedly encourages users to switch to the competitor and even highlights special bonuses for new customers. In the opinion of the Panel, this suggests that the Respondent’s review of the Complainant’s products and services is ancillary to what appears to be the real purpose of the Respondent’s website: to encourage users to switch to the competing product. In the Panel’s view, this is neither a use in connection with a bona fide offering of goods pursuant to Policy paragraph 4(c)(i), nor a legitimate noncommercial or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue pursuant to Policy paragraph 4(c)(iii). See *Prosper Funding LLC v. Domain Privacy / Brent Groot, RUSHN Pty Limited*, WIPO Case No. [D2015-1746](#).

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.

Based on the available record, 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. [WIPO Overview 3.0](#), section 3.2.1.

In the view of the Panel, noting that the Complainant's trademark predates the registration of the disputed domain name and considering that the disputed domain name resolves to a website referring to the Complainant's products and services, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's well-known trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The Panel holds that by using the disputed domain name for a purported product review explicitly encouraging users to switch to a competing product, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its web site in the sense of Policy, paragraph 4(b)(iv).

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

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 <brevo-review.com> be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: November 7, 2025