

ADMINISTRATIVE PANEL DECISION

Petróleo Brasileiro S.A - Petrobras v. 小海
Case No. D2025-3892

1. The Parties

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

The Respondent is 小海, Thailand.

2. The Domain Name and Registrar

The disputed domain name <petrobraswin.org> (the “Domain Name”) is registered with Dynadot Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 24, 2025, initially in relation to two domain names, namely <petrobraswin.org> and <inscricoesconcurso2025.online>.

On September 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the two domain names. On October 3, 2025, the Registrar disclosed underlying registrant information showing that the two domain names were held by different registrants and therefore were not under common control. In view of this, on the same date, the Center notified the Complainant of the issue under paragraph 3(c) of the Rules and invited it either to amend its Complaint to demonstrate common control or to proceed only with the appropriate domain name(s). The Center also provided the Complainant with the registrant and contact details disclosed by the Registrar and invited the Complainant to submit an amendment to the Complaint. On October 7, 2025, the Complainant submitted an amended the Complaint and notified the Center of its decision to withdraw the Complaint insofar as it related to the domain name <inscricoesconcurso2025.online>.

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 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 6, 2025.

The Center appointed Ana María Pacón as the sole panelist in this matter on November 12, 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 oil and gas company, engaged in the exploration, production, refining, transportation, and marketing of oil and natural gas. It is one of the largest energy companies in Latin America and one of the world's largest oil and gas producers, with extensive experience in deep and ultra-deep water drilling.

The Complainant owns several trademark registrations containing the expression PETROBRAS throughout the world, including:

- Brazil Trademark Registration No. 825347785 for PETROBRAS, registered on May 8, 2007, covering services in class 43.
- Brazil Trademark Registration No. 825348951 for PETROBRAS, registered on May 8, 2007, covering goods in class 1.
- Brazil Trademark Registration No. 825347807 for PETROBRAS, registered on May 8, 2007, covering services in class 37.
- Brazil Trademark Registration No. 908821158 for PETROBRAS, registered on August 8, 2017, covering services in class 40.
- United States Trademark Registration No. 3676471 for PETROBRAS, registered on September 1, 2009, covering goods and services in classes 1, 4, 35, 37 and 42.
- European Union Trademark Registration No. 003068211 for PETROBRAS, registered on May 12, 2004, covering goods and services in classes 1, 4, 35, 39 and 42.

The Complainant is also the registrant of the domain name <petrobras.com>, registered since March 6, 1996, and the domain name <petrobras.org>, registered since July 1, 2002.

The Domain Name was registered on March 10, 2025. The Domain Name resolved to a gambling/online casino platform.

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 Domain Name.

Notably, the Complainant argues that the Domain Name is confusingly similar to its well-known PETROBRAS trademark, as it incorporates the mark in its entirety and the addition of the term "win" does not prevent a finding of confusing similarity.

The Complainant submits that the Respondent has no rights or legitimate interests in the Domain Name. The Respondent is neither affiliated with nor authorized by the Complainant, is not commonly known by the

Domain Name, and uses it for an unauthorized gambling website targeting Brazilian users, which cannot constitute a bona fide offering of goods or services.

The Complainant further contends that the Domain Name was registered and is being used in bad faith. Given the notoriety of the PETROBRAS mark, the Respondent must have been aware of it, and the use of the Domain Name to operate a misleading gambling platform demonstrates an intent to attract users for commercial gain by creating a likelihood of confusion with the Complainant.

The Complainant requests the transfer of the Domain Name.

B. Respondent

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

6. Discussion and Findings

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 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 Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms - here the term "win" - may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the 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"), here ".org", is merely a technical registration requirement and as such is typically disregarded under the first element confusing similarity test. [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 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 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 Domain Name such as those enumerated in the Policy or otherwise.

In particular, the Panel notes the following:

- The Complainant has not authorized the Respondent to use its well-established PETROBRAS trademark.
- The Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- The Respondent is not making a legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- The record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

Moreover, the Respondent is using the Domain Name to operate a website promoting an online gambling or casino platform. The evidence provided shows explicit references to "petrobraswin – plataforma oficial de jogos", which falsely suggests endorsement or sponsorship by the Complainant. Such use does not constitute a *bona fide* offering of goods or services under paragraph 4(c)(i) of the Policy. As stated in [WIPO Overview 3.0](#), section 2.13, impersonation or passing off - such as presenting a website as "official", or otherwise suggesting affiliation - can never confer rights or legitimate interests.

The Panel notes also that the Respondent has made use of a privacy service. While privacy services are not inherently improper, panels have found that their use combined with impersonation or misleading conduct supports a finding of no legitimate interests. See *Hoffmann-La Roche AG v. WhoisGuard, Inc. / Aubrey Naylor*, WIPO Case No. [D2015-2316](#); [WIPO Overview 3.0](#), section 2.5.3.

In addition, the nature of the Domain Name - consisting of the Complainant's well-known mark PETROBRAS in its entirety followed by the term "win" - carries an inherent risk of implied affiliation. As explained in [WIPO Overview 3.0](#), section 2.5.1, the addition of such terms typically does not avoid the misleading suggestion of sponsorship.

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 Complainant has demonstrated that its trademark PETROBRAS, which is registered and widely recognized, enjoys global public awareness.

Several UDRP panels have concluded that registering a domain name with knowledge of another company's rights and with the intention to divert traffic can indicate bad faith registration (see *Digital Spy Limited v. Moniker Privacy Services and Express Corporation*, WIPO Case No. [D2007-0160](#); *PepsiCo, Inc. v. "null", aka Alexander Zhavoronkov*, WIPO Case No. [D2002-0562](#); and *The Gap, Inc. v. Deng Youqian*, WIPO Case No. [D2009-0113](#)). The Panel finds it implausible that the Domain Name was registered in good faith, particularly since the Complainant has registered its trademarks years before the registration of the Domain Name and owns and uses the domain name <petrobras.org>, differing only by the addition of the descriptive term "win".

Furthermore, it is well accepted that impersonation is clear evidence of bad faith registration and use (see *Ares Management LLC v. Omelchenko Aleksei*, WIPO Case No. [D2023-0836](#); *FLRish IP, LLC v. prince zvomuya*, WIPO Case No. [D2019-0868](#)).

The Respondent's use of the Domain Name to operate an online gambling website falsely presented as the "official" platform of Petrobras demonstrates an intention to attract Internet users by creating a likelihood of confusion with the Complainant's mark for commercial gain. This conduct falls squarely within paragraph 4(b)(iv) of the Policy. UDRP panels have consistently found such conduct to constitute bad faith. See *Six Continents Hotels, Inc. v. Patrick Ory*, WIPO Case No. [D2003-0098](#); *Société Air France v. R Blue*, WIPO Case No. [D2020-0872](#).

The imitation of corporate identity and the suggestion of official status constitute classic "passing off", which is expressly recognized as evidence of bad faith. [WIPO Overview 3.0](#), section 3.4; see *The Chancellor, Masters and Scholars of the University of Oxford v. Oxford College for PhD Studies*, WIPO Case No. [D2015-0812](#).

Panels have also repeatedly held that the combination of a well-known mark and a term such as "win", when used to direct users to a commercial site unrelated to the complainant, is indicative of opportunistic bad faith. See *Swarovski Aktiengesellschaft v. Whois Privacy Services Pty Ltd / Yiming Chen*, WIPO Case No. [D2015-0461](#).

The Respondent's use of a privacy service, while not inherently indicative of bad faith, is another factor that panels may consider, especially where other elements - such as misrepresentation and impersonation - are present. [WIPO Overview 3.0](#), section 3.6; see *Moncler S.p.A. v. Bestinfo*, WIPO Case No. [D2016-0597](#).

Taking all circumstances of the case into account - including the notoriety of the PETROBRAS mark, the Respondent's misleading use of the Domain Name to operate an online gambling website falsely implying affiliation, the implausibility of any good faith purpose, and the absence of any Response - the Panel finds that the Respondent both registered and is using the Domain Name in bad faith.

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 <petrobraswin.org> be cancelled.

/Ana María Pacón/
Ana María Pacón
Sole Panelist
Date: November 26, 2025