

ADMINISTRATIVE PANEL DECISION

Rubis Energie v. Avogadro Shine
Case No. D2025-4008

1. The Parties

The Complainant is Rubis Energie, France, represented by IP Twins, France.

The Respondent is Avogadro Shine, Uganda.

2. The Domain Name and Registrar

The disputed domain name <vitoenergies.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 1, 2025. On October 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 2, 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 (Anonymize, Inc./ Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 2, 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 October 2, 2025.

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 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 31, 2025.


The Center appointed Peter Burgstaller as the sole panelist in this matter on November 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 subsidiary of the French Rubis Group which was founded in 1990 as an independent company in the energy sector. The Rubis Group markets under the brand VITO and RUBIS, amongst others, a wide range of energy and mobility solutions in over 40 countries in Europe, Africa and the Caribbean (Annex 1 to the Complaint).

The Complainant owns several trademark registrations containing the mark VITO, including:

- International trademark registration for VITO (word), Reg. No. 937026, registered on May 4, 2007, international classes 35, 37 and 39, designating several jurisdictions around the world;
- International trademark registration for  (fig.), Reg. No 940200, registered on July 9, 2007, international classes 4, 35, 37 and 39, designating several jurisdictions around the world (Annexes 4 and 5 to the Complaint).

The disputed domain name was registered on June 27, 2025 (Annex 2 to the Complaint). At the time of filing of the Complaint, the disputed domain name resolved to a website with offered to purchase gas from various suppliers and also products from the Complainant by using the mark VITO and featuring the Complainant's logo  (Annexes 7, 8 and 12 to the Complaint). The website also featured a copyright notice as follows: "© Copyright 2025 Vito. [...]."

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 that it owns several trademark registrations containing the mark VITO. The disputed domain name reproduces the Complainant's trademark VITO. Therefore, the Complainant contends that the disputed domain name is identical or highly similar to the Complainant's earlier trademark VITO.

Further, the Complainant asserts that it has never assigned, granted, licensed, sold, transferred, or in any way authorized the Respondent to use the VITO trademark in any manner; moreover, the Respondent is not known under the disputed domain name and therefore does not have any rights or legitimate interests in the disputed domain name.

The Complainant also notes that the disputed domain name was registered years after the Complainant has established rights in the mark VITO and the Respondent was therefore aware of the Complainant and its rights in the mark VITO when registering the disputed domain name.

Further, the Complainant contends that the disputed domain name resolves to a website offering various products for sale, whether they are genuine or counterfeit; moreover, the website associated with the disputed domain name offers several products for sale, including products bearing the trademark and logo of the Complainant without authorization.

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 name is 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 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 the mark VITO for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

In the present case, the disputed domain name is confusingly similar to the mark VITO in which the Complainant has rights since it incorporates the entirety of the mark VITO and only adds the descriptive term "energies".

It has long been established under UDRP decisions that where the relevant trademark is recognizable within the disputed domain name, the mere addition of other terms does not prevent a finding of confusing similarity under the first element of the Policy. This is the case at present. [WIPO Overview 3.0](#), section 1.8.

Finally, it has also long been held that generic Top-level Domains ("gTLDs") (in this case ".com") are generally disregarded when evaluating the confusing similarity of a disputed 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.

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 name, since it has never assigned, granted, licensed, sold, transferred, or in any way authorized the Respondent to register or use the VITO mark in any manner.

The Respondent is not commonly known under the disputed domain name and the disputed domain name is not being used for a bona fide offering of goods or services; rather, the disputed domain name refers to a website where it offers using the VITO mark the Complainant's products bearing the logo , as well as competing products to those of the Complainant.

The Respondent moreover cannot show rights or a legitimate interest in the disputed domain name under the Oki Data test as a reseller or distributor. [WIPO Overview 3.0](#), section 2.8; *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). For showing such rights the Respondent must inter alia use the site to sell only the trademarked goods of the Complainant and disclose the Respondent's relationship, or lack thereof, with the Complainant. The evidence in the Complaint does not reveal any of these facts and the Respondent has not introduced any evidence to the contrary. In fact, the composition of the disputed domain name, incorporating the entirety of the mark VITO together with the descriptive term "energies" as the suffix, coupled with its use, cannot be considered fair use as it may suggest an affiliation with the Complainant that does not exist. [WIPO Overview 3.0](#), section 2.5.1.

The Respondent did not provide any evidence showing its rights or legitimate interests in the disputed domain name.

Based on the available record, 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, both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainant must show that:

- the disputed domain name was registered by the Respondent in bad faith; and
- the disputed domain name is being used by the Respondent in bad faith.

(i) The Complainant had established rights in the mark VITO years before the registration of the disputed domain name.

It is inconceivable for this Panel that the Respondent has registered the disputed domain name without knowledge of the Complainant's rights; this is supported by the fact that the term "energies" added to the mark VITO in the disputed domain name refers to the Complainant's business and therefore rather strengthens the impression that the Respondent must have been aware of the Complainant and its mark when registering the disputed domain name.

The Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

(ii) The disputed domain name is also being used in bad faith. In the present case, the Panel notes that the Respondent provided under the disputed domain name, without authorization by the Complainant, a website, where it offers various products for sale, including products bearing the Complainant's marks VITO and , as well as competing third-party products.

By doing this, the Respondent disrupts the Complainant's business and 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 present any evidence of any good faith registration and use with regard to the disputed domain name support the finding of bad faith.

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 name <vitoenergies.com> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: December 1, 2025