

ADMINISTRATIVE PANEL DECISION

Timbro Trading S/A. v. Joe Love
Case No. D2025-4278

1. The Parties

The Complainant is Timbro Trading S/A., Brazil, represented by Salusse, Marangoni, Parente e Jabur Advogados, Brazil.

The Respondent is Joe Love, New Zealand.

2. The Domain Name and Registrar

The disputed domain name <timbrotrading.com> is registered with Wild West Domains, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 18, 2025. On October 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 21, 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 (Registration Private, Privacy service provided by Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 21, 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 October 23, 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 October 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 14, 2025.

The Center appointed Taras Kyslyy as the sole panelist in this matter on November 20, 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 corporation founded on June 10, 2010. The Complainant is an importer to third parties (comprising the import of food and beverages, chemicals, automobile parts, executive airplanes, amongst many other items) providing its customers with integrated solutions also encompassing logistical and tax aspects. The Complainant also exports Brazilian agricultural commodities (specially sugar, cotton and coffee) and metals (iron, inox, alloys etc.) on large scale.

The Complainant has been using the TIMBRO trademark since 2010 in connection with the trading and import-export of goods from and into Brazil.

The Complainant is the owner of trademark registrations for TIMBRO, including for instance Brazilian trademark registration No. 903115018, registered on April 15, 2014.

The Complainant also owns domain name registration for <timbrotrading.com>.

The disputed domain name was registered on March 24, 2023, and does not resolve to any active website.

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 the disputed domain name is identical or confusingly similar to the Complainant's trademark. The only difference between the disputed domain name and the Complainant's prior domain name and trademark registrations lies in the mere addition of the letter "i" in the middle of the word "timbro", which renders it confusingly similar to the Complainant's trademark. The disputed domain name consists of an intentional misspelling of the Complainant's trademark and prior trade name and domain name thus being confusingly similar therewith. The likelihood of confusion is evident given that Internet users will immediately associate the disputed domain name with the Complainant's prior trademark, trade name and domain name, believing that they relate to the same company, and that either the communications or the products/services that might be eventually offered by the Respondent under the disputed domain name originate from the same source - which is not the case given the Respondent's undue registrations.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name. "Timbro" or "timbrotrading" are not dictionary words either in the Portuguese, English, French, Italian, or Chinese languages. There would be no reason for the Respondent to take the disputed domain name into registration, except for a clear attempt to cause confusion with the Complainant's prior trademarks. The Respondent is not entitled to any trademark, trade name or any other right relating to the disputed domain name. The Respondent has not been authorized by the Complainant to use its trademark and there is no business relationship between the Complainant and the Respondent. The disputed domain name is being passively held but counts with active mail servers associated with it, likely used in connection with a fraudulent message scheme.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent does not have any relation with the term “timbro” (it is not included in its name, nor does it correspond to its name, surname or nickname), it is not known by this name, nor has it sought an authorization or license to use the Complainant's trademark, or variations thereof, also not owning any trademark registration or application contemplating the term “timbro”, or any other application or registration whatsoever in Brazil or other countries. The Respondent evidently knew of the existence of the Complainant's prior trademark rights and domain name, which were matters of public record, before registering the disputed domain name. Thus, the Respondent must have had knowledge of the Complainant's pre-existing rights in its trademark. The disputed domain name registration was made by the Respondent and it was its responsibility to have verified that the well-known Complainant's trademark existed, so it may be inferred that the disputed domain name was intentionally registered with the purpose of either (i) later being offered to the Complainant or (ii) profiting from the fame and renown of the Complainant's trademark and trade name, creating a likelihood of confusion amongst Internet users and insinuating that the disputed domain name belong to the Complainant. A further element to be taken into account which corroborates the Respondent's bad faith is its choice to retain a privacy protection service so as to conceal the identity of the underlying registrant. The disputed domain name has likely been used in connection with a fraudulent scheme aimed at impersonating the Complainant and defrauding both the Complainant and its customers through the use of false emails. The Complainant became aware of this activity upon verifying the existence of the Mail Exchange records for the disputed 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 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.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. The Panel considers the disputed domain name <timbrotrading.com> consisting of intentional misspelling of the Complainant's trademark by adding letter “i” in the disputed domain name compared to the Complainant's trademark TIMBRO. [WIPO Overview 3.0](#), section 1.9.

Although the addition of other terms here, “trading”, 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 disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Finally, 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 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.

The available evidence does not confirm that the Respondent is commonly known by the disputed domain names, which could demonstrate its rights or legitimate interests (see, *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent (see, *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)). The Respondent has not provided any explanation as to its choice of, or evidence of any actual or contemplated bona fide or legitimate use of, the disputed domain name.

In the circumstances of this case, the Respondent has no rights or legitimate interests in the disputed domain name resolving to an inactive website (see *Philip Morris USA Inc. v. Daniele Tornatore*, WIPO Case No. [D2016-1302](#)).

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 chose the composition of the disputed domain name having knowledge of the Respondent, its trademark and business activities aiming to benefit on it when registering the disputed domain name, which is bad faith. [WIPO Overview 3.0](#), section 3.2.2.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes (i) the high degree of reputation of the Complainant’s trademark, (ii) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the Respondent’s concealing its identity while registering the disputed domain name.

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 <timibrotrading.com> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: November 27, 2025