

## **ADMINISTRATIVE PANEL DECISION**

Petróleo Brasileiro S.A – Petrobras v. Nikolay Makiyenko  
Case No. D2025-4402

### **1. The Parties**

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

The Respondent is Nikolay Makiyenko, Russian Federation.

### **2. The Domain Name and Registrar**

The disputed domain name <petrobras-group.com> is registered with Squarespace Domains LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 24, 2025. On October 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 27, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 28, 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 28, 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 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 21, 2025.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on November 27, 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 energy company that has been operating since 1953 and has a presence in 28 countries.

The Complainant operates under the PETROBRAS brand and holds trademark registrations for this brand in several jurisdictions. These include Brazilian Trademark Registration No. 004101570, PETROBRAS, registered on December 10, 1981 in class 4; European Union Trade Mark No. 010266261, PETROBRAS, registered on February 20, 2012 in class 40; and United States of America Trademark No. 3676471, PETROBRAS, registered on September 1, 2009 in classes 1, 4, 35, 37, and 42 (hereinafter collectively referred to as the “PETROBRAS Mark”).

Prior decisions under the Policy have recognized the reputation or well-known status of the PETROBRAS mark. See, e.g., *Petróleo Brasileiro S.A. - Petrobras v. Tamires Miranda Cabo*, *petrobras*, WIPO Case No. [D2025-2753](#); and *Petróleo Brasileiro S.A. v. sadasfas*, WIPO Case No. [D2024-3875](#).

The Complainant further holds various domain names corresponding to its PETROBRAS brand, including <petrobras.com> (registered on March 6, 1996), which resolves to the Complainant’s corporate website.

The disputed domain name was registered on August 4, 2025, and is apparently inactive at the time of this Decision, resolving to an Internet browser error message indicating that the site cannot be accessed. According to the evidence submitted by the Complainant, the disputed domain name used to resolve to a website in Portuguese prominently featuring the Complainant’s mark and logo and advertising investment opportunities. The website also contained a form inviting users to submit their personal information.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a cancellation of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its well-known trademark PETROBRAS, as it incorporates that trademark in its entirety.

The Complainant further asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no trademark for the term “petrobras” and has no authorization to use the Complainant’s trademark. The disputed domain name is not used in connection with any bona fide offering of goods or services.

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The Respondent’s conduct constitutes free-riding on the Complainant’s goodwill and reputation, and the passive holding of the disputed domain name amounts to bad-faith registration and use due to the Complainant’s reputation and prior knowledge of the Complainant’s trademark.

##### **B. Respondent**

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

## 6. Discussion and Findings

The Complainant has submitted all relevant assertions under the Policy, and the dispute properly falls within its scope. The Panel has the authority to decide the dispute by examining the three elements set forth in paragraph 4(a) of the Policy, taking into account all relevant evidence, annexed materials, and submissions. The Panel may also conduct limited independent research pursuant to its general powers, as provided, *inter alia*, in paragraph 10 of the Rules.

### 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, namely the PETROBRAS Mark. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name, and the mark is recognizable within that 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.

Although the addition of other terms, here the word "group" separated by a hyphen, may bear on assessment of the second and third elements, the Panel finds that the addition of such a 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.

Accordingly, 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 that 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 showing and has not produced any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Panel notes that the Respondent's name shares no similarities with the term "petrobras" or "petrobras-group", and has corroborated, with a search over the Global Brand Database, that the Respondent owns no trademark registration for these terms.

The Panel further notes the composition of the disputed domain name which incorporates the PETROBRAS mark, with the addition of the term “group” separated by a hyphen. The Panel has consulted the Complainant’s official website at “www.petrobras.com”, which explains the Complainant’s conglomerate of companies. Therefore, the Panel finds the composition of the disputed domain name, adding the term “group” to the Complainants’ trademark, coupled with the use of the disputed domain name to resolve to a website prominently displaying the Complainant’s mark and logo, affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant or its group.

Accordingly, 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.

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.

In the present case, the Panel notes the international reputation of the PETROBRAS mark derived from the Complainant’s company name. The Panel further notes that the Respondent registered the disputed domain name decades after the Complainant started its use of the PETROBRAS mark, there is no evidence suggesting that the Respondent may have any rights or legitimate interests in the disputed domain name, and that the Respondent has not come forward to rebut the Complainant’s allegations of bad faith.

The Panel is in no doubt that the Respondent must have had the Complainant and its rights in the mark in mind when it registered the domain name. As regards the use made of the domain name and the Complainant’s mark and logo in relation to advertising purported investment opportunities, the Panel holds that the Respondent has intentionally attempted to attract for commercial gain Internet users by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation or endorsement under paragraph, Policy 4(b)(iv).

As regards the current lack of use, panels have found that the non-use of a domain name (including a blank or “coming soon” page) does 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 the reputation of the PETROBRAS mark, the composition of the disputed domain name and its prior use, and finds that, in the circumstances of this case, the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Accordingly, 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 <petrobras-group.com> be cancelled.

*/Reyes Campello Estebaranz/*

**Reyes Campello Estebaranz**

Sole Panelist

Date: December 8, 2025