

ADMINISTRATIVE PANEL DECISION

João Brito E Cunha, LDA v. macau rajabandot
Case No. D2025-4850

1. The Parties

The Complainant is João Brito E Cunha, LDA, Portugal, represented by PROMARK, France.

The Respondent is macau rajabandot, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <quintasjose.com> is registered with DropCatch.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 21, 2025. On November 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 24, 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 November 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 amendment to the Complaint on November 26, 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 December 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 23, 2025.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on December 29, 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 carries on business in the Douro region of Portugal as a producer of wines and olive oil. Beginning in 1999, the Complainant commenced operations as a vineyard and subsequently expanded to include restaurant and accommodation services.

The Complainant is the owner of Portuguese trademark registration QUINTA DE S. JOSÉ, number 676287, filed on November 19, 2021, and registered on February 17, 2022, in classes 29 and 33.

The Complainant was also the prior owner of the disputed domain name, which was registered by the Complainant on June 29, 2005, and remained in its portfolio until June 29, 2025. Over this period of time, the Complainant used the disputed domain name to host its principal website, where it offered for sale its wine products along with booking services for its accommodations, all in association with its QUINTA DE S. JOSÉ trademark.

The Respondent acquired the disputed domain name on September 15, 2025. The Complainant discovered shortly thereafter that the disputed domain name was linked to a website that reproduced the contents of the Complainant's original website, including its home page, graphics and product listings. Hyperlinks on the copied website redirected users to an online gambling website in Indonesia.

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 Respondent opportunistically registered the disputed domain name when the Complainant inadvertently allowed the registration to expire, after 20 years of use. In bad faith, the Respondent then began using the disputed domain name to host a copycat website, which reproduced the original contents of the Complainant's website. Users of the copycat website were ultimately redirected to an online gambling website in Indonesia.

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, the 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 evidence indicates that the Complainant is the owner of a trademark registration for QUINTA DE S. JOSÉ.

The principal elements of the Complainant's mark are reproduced within the disputed domain name and 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 differences between the disputed domain name and the mark are the deletion of the word "de", of the acute accent in "José", and of the period mark contained in the Complainant's QUINTA DE S. JOSÉ trademark. The Panel finds the deletion of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy as the mark remains recognizable within the disputed domain name.

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 is not making a legitimate, noncommercial or fair use of the disputed domain name without intent for commercial gain. Instead, as described above, the Respondent is using the disputed domain name to deceive third parties for commercial gain, by hosting a copycat website using the Complainant's trademarks, logos and branding. The record shows the disputed domain name and the copycat website are configured to ultimately redirect users to an Indonesian online gambling and betting website. 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.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used 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.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off,, constitutes bad faith under the Policy. [WIPO Overview 3.0](#), section 3.4. In particular, the Panel notes that the Respondent has engaged in deliberate targeting and impersonation of the Complainant's business, opportunistically acquiring the disputed domain name upon its expiry, (after 20 years of use by the Complainant) and then reproducing and adopting the entire content of the Complainant's website in order to deceive users for commercial gain. See *Commission for Art Recovery, Inc.v. Alexandr Zaharov*, WIPO Case No. [D2008-1591](#). Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <quintasjose.com> be transferred to the Complainant.

/Christopher J. Pibus/

Christopher J. Pibus

Sole Panelist

Date: January 12, 2026