

ADMINISTRATIVE PANEL DECISION

SENDIBLUE (BREVO) v. Shubham Jain, WDT Technologies Pvt Ltd
Case No. D2025-5071

1. The Parties

The Complainant is SENDIBLUE (BREVO), France, represented by Tmark Conseils, France.

The Respondent is Shubham Jain, WDT Technologies Pvt Ltd, India, self-represented.

2. The Domain Name and Registrar

The disputed domain name <emailbrevo.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 5, 2025. On December 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 9, 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 (Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 9, 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 December 9, 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 December 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 31, 2025. The Respondent sent email communications to the Center on December 9, 20, and 22, 2025. Accordingly, the Center notified the Parties of commencement of panel appointment process on January 1, 2026.

The Center appointed Adam Taylor as the sole panelist in this matter on January 8, 2026. 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 supplies customer relationship management (“CRM”) solutions under the mark BREVO, having rebranded from SENDINBLUE in 2023. More than 500,000 companies worldwide use the Complainant’s technology.

The Complainant owns a number of registered trade marks for BREVO including International Registration No. 1738724, registered on April 3, 2023, in classes 9, 35, 36, 38 and 42, and designating India amongst other jurisdictions.

The Complainant operates a website at “www.brevo.com”.

The disputed domain name was registered on September 17, 2025.

The Respondent has used the disputed domain name for a website branded “EMAILBREVO” that offered a “Smart & Powerful Email Marketing Platform” which was allegedly “[t]rusted by over 150,000 businesses worldwide for effective email marketing solutions”. The site included a table headed “Why EmailBrevo Outperforms the Competition” comparing the features of the Respondent’s service with those of other businesses – including the Complainant’s. There were also login and newsletter sign-up forms.

The MX records of the disputed domain name were configured to enable use of the disputed domain name for email.

After the Complaint was filed, the Respondent added the following disclaimer at the top of the site: “EmailBrevo.com is an independent platform and is not affiliated with, endorsed by, or connected to Brevo, Sendinblue, or any related companies.” A similar disclaimer appeared at the start of the Respondent’s Terms of Service.

When reviewed by the Panel on January 21, 2026, the site had been rebranded as “EMAILZORO”.

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.

B. Respondent

The Respondent replied to the Complainant’s contentions in the form of a number of emails to the Center, both before and after service of the Complaint. The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that:

- the disputed domain name is not connected with, or intended to suggest any association with, the Complainant’s brand or domain name;

- the disputed domain name is not identical or confusingly similar to the Complainant's mark as it contains the prefix "email", which forms a distinctive standalone term, and the disputed domain name does not imitate the Complainant's branding or create confusion;
- the Respondent is using the disputed domain name for independent email-related content and there is no trade mark infringement or any misrepresentation or attempt to exploit the Complainant's mark;
- the Respondent's website does not attempt phishing, impersonation, or fraudulent activity;
- the website generates no commercial gain from confusion and there is no resemblance to the Complainant's branding;
- the Respondent has added a prominent disclaimer stating that the website is independent and not affiliated with the Complainant or any related entities; and
- while the Respondent's team has been building the platform for six months as part of a startup initiative, and it was preparing for launch when this dispute arose, as an early-stage startup, the Respondent prefers to focus on business execution rather than prolonged legal proceedings and it is therefore open to settle the matter in return for a payment of USD 700.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced 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 Respondent contends that the inclusion of the "distinctive standalone" term "email" is sufficient to differentiate the disputed domain name from the Complainant's mark. However, while this additional term may bear on assessment of the second and third elements, the Panel finds that it 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. Where, as here, a domain name incorporates the entirety of a trade mark, it will normally be considered confusingly similar to that mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

The Respondent also invokes the alleged lack of confusion or copying of the Complainant's branding. However, as mentioned above, the first element simply involves a comparison between the complainant's trade mark and the disputed domain name. Issues such as likelihood of confusion are considered under the second and/or third elements. [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 recognised 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.

As to paragraph 4(c)(i) of the Policy, and as further discussed in section 6C below, the Panel considers that the Respondent has used the disputed domain name to intentionally attempt to attract, confuse, and profit from Internet users seeking the Complainant's goods and/or services. Such use of the disputed domain name is not *bona fide*.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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 the following:

First, the disputed domain name consists of the Complainant's mark prefaced by the word "email". The Panel disagrees with the Respondent's assertion that "email" is a "distinctive standalone term" and that the disputed domain name was not connected with, or intended to suggest any association with the Complainant; on the contrary, the Panel considers that "email" is a descriptive term that is strongly associated with the Complainant's service and that its use in conjunction with the Complainant's highly distinctive mark can only have been intended to create a likelihood of confusion with that mark.

Second, the Respondent has used the disputed domain name for a website that offers similar services to those of the Complainant. The Respondent's website even includes the Complainant in a comparison of services offered by "the Competition".

Third, the Respondent asserts that it is using the disputed domain name for "independent email-related content", but the Respondent has not claimed that it selected the name "Brevo" independently of the Complainant's mark. Nor indeed has the Respondent put forward any explanation at all for its choice of that distinctive term.

Fourth, the prominent statement on the Respondent's site that it was "[t]rusted by over 150,000 businesses worldwide" seems inherently improbable, not least given the Respondent's description of itself as an "early stage startup" preparing for launch; in the Panel's view the Respondent's claim was likely intended to imply a connection with the Complainant's business.

Fifth, while the Respondent invokes the disclaimer that it added to the site following receipt of the Complaint, this cannot retrospectively justify the Respondent's previous version of its site that did not include the disclaimer. In any case, the mere existence of a disclaimer cannot cure bad faith where, as here, the overall

circumstances point to bad faith. Indeed, the Panel considers that the Respondent's belated addition of a disclaimer in fact amounts to an admission that users may be confused. [WIPO Overview 3.0](#), section 3.7.

Sixth, the Panel considers that the Respondent's later rebranding of its website to replace "brevo" with "zoro" is a further admission that its use of "brevo" was illicit.

For the above reasons, the Panel considers that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trade mark for the purpose of the sale of competing services in accordance with paragraph 4(b)(iv) of the Policy.

Dealing with the Respondent's additional submissions:

- That there was no trade mark infringement: The Policy is concerned with registration and use in bad faith, not trade mark infringement per se.
- That there was no misrepresentation or attempt to exploit the Complainant's mark: The Panel disagrees, for reasons given above.
- That the Respondent's website does not attempt phishing, impersonation, or fraudulent activity: The Panel accepts that there is no evidence that the Respondent has engaged in such fraudulent activities and makes no such finding; however, this does not affect the Panel's conclusions regarding bad faith.
- That the Respondent's website generates no commercial gain from confusion: Even if so, the Panel is satisfied that this was the Respondent's intent, which suffices for the purposes of paragraph 4(b) of the Policy.
- That there is no resemblance to the Complainant's branding. The Panel considers that the Respondent has set out to create a likelihood of confusion with the Complainant, including by its adoption of the Complainant's distinctive mark.

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 <emailbrevo.com> be transferred to the Complainant.

/Adam Taylor/
Adam Taylor
Sole Panelist
Date: January 22, 2026