ADMINISTRATIVE PANEL DECISION

ISTOÉ Publicações Ltda. v. Alexander Slutski
Case No. D2025-5085

1. The Parties

The Complainant is ISTOÉ Publicações Ltda., Brazil, represented by Gaia, Silva, Gaede & Associados - Sociedade de Advogados, Brazil.

The Respondent is Alexander Slutski, Spain, self-represented.

2. The Domain Name and Registrar

The disputed domain name <istoe.com> is registered with NICREG LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 8, 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 10, 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 (Privacy Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint, and a reminder on December 17, 2025. The Complainant did not amend the Complaint.

The Center verified that 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 January 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2026. The Response was filed with the Center on January 26, 2026.

The Center appointed Assen Alexiev as the sole panelist in this matter on January 28, 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.

On February 2, 2026, the Complainant filed a supplemental submission. On February 11, 2026, the Respondent objected to the Complainant's supplemental submission.

4. Factual Background

The Complainant is a Brazilian company established in 2022 with Brazilian registration number No. 48.669.641/0001-60. Its official website is located at the domain name <istoe.com.br>. This domain name was previously used for the website of the Brazilian weekly printed news magazine ISTOÉ, created in 1976, and published by Editora Três. According to a news article dated January 26, 2026 on the website of "Meio & Mensagem" (Annex G to the Response), on January 24, 2025 Editora Três announced the end of printing of the ISTOÉ and ISTOÉ Dinheiro magazines. The domain name <istoe.com.br> currently resolves to a Brazilian online news portal with the title "ISTOÉ Independente", which displays the following disclaimer:

"A ISTOÉ PUBLICAÇÕES LTDA é um portal digital independente e sem vinculação editorial e societária com a EDITORA TRES COMÉRCIO DE PUBLICACÕES LTDA (recuperação judicial). Informamos também que não realizamos cobranças e que também não oferecemos cancelamento do contrato de assinatura da revista impressa de nome ISTOÉ, tampouco autorizamos terceiros a fazê-lo, nos responsabilizamos apenas pelo conteúdo digital "https://istoe.com.br" e seus respectivos sites."

(In English, "ISTOÉ PUBLICAÇÕES LTDA is an independent digital portal with no editorial and corporate link with EDITORA TRES COMÉRCIO DE PUBLICACÕES LTDA (judicial recovery). We also inform you that we do not make charges and that we also do not offer cancellation of the subscription contract of the printed magazine named ISTOÉ, nor do we authorise third parties to do so, we are only responsible for the digital content "https://istoe.com.br" and their respective websites.")

The Complainant is the current owner of various trademark registrations for ISTO É or ISTOÉ alone or in combination with other elements (for ease of reference, the "ISTOÉ trademarks"), including the following representative registrations:

− the Brazilian trademark ISTO E with registration No. 006643582, registered on January 25, 1978, for goods in Brazilian National Class 11;

− the Brazilian trademark ISTOÉ with registration No. 811686205, registered on July 29, 1986, for services in International Class 41; and

− the Brazilian trademark ISTOÉ with registration No. 907405878, registered on November 22, 2016, for services in International Class 41.

The disputed domain name was registered on May 1, 2002. It currently resolves to a parking webpage offering it for sale with the notice "Offers under $1,000 US are usually not considered". At the time of filing of the Complaint, the disputed domain name redirected to the Complainant's Brazilian news portal ISTOÉ at the domain name <istoe.com.br>, and the Complainant has also claimed redirection to the subdomain <negocios.istoe.com>, which resolved to a webpage with the title "Isto é Negócios - Negócios, Economia, startups e muito mais" (in English, "This is Business - Business, Economy, Startups, and Much More").

5. Parties' Contentions

A. Complainant

The Complainant maintains that the ISTOÉ magazine is an institution in Brazilian journalism, founded in 1976 and that its authority and market dominance have been documented by leading international publications. The Complainant refers to an August 1999 article in the The New York Times magazine titled "MEDIA: A News Magazine War in Brazil," where the ISTOÉ magazine was recognised as a central protagonist in the Brazilian market and a direct competitor to other global giants. According to the Complainant, the article highlighted the role of the magazine in a multi-billion dollar advertising market and described it as "cheeky and nationalistic" and as a publication that "believes in Brazil", and acknowledged the long-standing reputation, economic value, and international recognition of the brand ISTOÉ well before the disputed domain name was registered or acquired by the Respondent.

The Complainant states that the disputed domain name is confusingly similar to its ISTOÉ trademark, because it incorporates the trademark in its entirety, and the only differences between them are the removal of the accent on the letter "e", which is due to technical DNS restrictions for legacy domain names, and the addition of the ".com" generic Top-Level Domain ("gTLD"). According to the Complainant, these differences do not prevent a finding of identity or confusing similarity.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name, because it is not affiliated with the Complainant and has not been authorized to use the ISTOÉ trademark. The Complainant adds that the Respondent is not commonly known by the name "Istoe".

The Complainant submits that the disputed domain name redirects to the Complainant's official website at the domain name <istoe.com.br>, which does not confer rights or legitimate interests on the Respondent. The Complainant states that the Respondent has previously activated subdomains such as <negocios.istoe.com> for fraudulent purposes. According to the Complainant, this proves that the holding of the disputed domain name is not for a bona fide purpose, but to control it for opportunistic attacks.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. According to it, the disputed domain name uses a trojan horse strategy to mask fraudulent activities. The Complainant points out that, although the disputed domain name was originally created in 2002, the Whois record indicates a significant update on November 21, 2025, which correlates with the active fraudulent use observed in mid-2025. The Complainant submits that the transfer of a domain name to a new registrant is regarded as a new registration for the purposes of the assessment of bad faith. According to the Complainant, given the recent fraudulent activity, it is likely that the Respondent has acquired the disputed domain name recently.

The Complainant notes that, regardless of whether the disputed domain name was held since 2002 or acquired in 2025, the ISTOÉ brand was already an institution well before the creation of the disputed domain name, and it is inconceivable that the Respondent holds it without knowledge of the Complainant's rights. The Complainant maintains that the fact that the disputed domain name redirects to the Complainant's official website shows that the Respondent knows who the Complainant is.

The Complainant further submits that the Respondent is using subdomains to perpetrate fraud while keeping the disputed domain name seemingly "clean". The Complainant notes that in mid-2025, the Respondent activated the subdomain <negocios.istoe.com>, which was visually identical to the fraudulent website at the domain name <istoenegocios.com> (subject of a separate UDRP dispute), operating as a fake news portal/content farm.

The Complainant states that, by redirecting the disputed domain name to the official website of the Complainant, the Respondent attempts to lull the Complainant into a false sense of security and avoid immediate takedown, while simultaneously using subdomains to conduct impersonation and fraud. According to the Complainant, this sophisticated behavior creates confusion for commercial gain. The

Complainant notes that the subdomain <negocios.istoe.com> now displays a black screen with the text “Isto é Negócios”, further proving the Respondent’s specific targeting of the Complainant’s business.

The Complainant submits that the Respondent controls the Complainant’s global online presence at the “.com” gTLD, and although the disputed domain name currently redirects to the legitimate website of the Complainant, the Respondent can at any moment redirect the traffic to a phishing website, create new fraudulent subdomains to steal credentials from unsuspecting users who trust the ISTOÉ brand, or redirect email traffic to intercept communications intended for the Complainant’s magazine.

With its supplemental submission, the Complainant points out that the ISTOÉ standalone trademark has a number of registrations that predate the registration of the disputed domain name by decades.

B. Respondent

The Respondent does not dispute that the disputed domain name is identical to the Complainant’s ISTOÉ trademark when the “.com” gTLD and the diacritical signs are disregarded.

The Respondent states that the disputed domain name was registered because it is a short, linguistically neutral and brandable term. The Respondent notes that at the time of registration it did not associate the term “istoe” with any specific publication, media outlet, or trademark.

The Respondent states that it has lawfully owned the disputed domain name since May 1, 2002. According to it, the long-term ownership of a domain name registered without targeting a trademark owner gives rise to a legitimate interest under established UDRP practice, and its offering for sale or lease through recognized marketplaces does not, in itself, negate rights or legitimate interests. The Respondent states that it is a native speaker of Russian and Ukrainian, and perceives the term “istoe” as linguistically neutral. It notes that in certain Slavic languages, “истое” is a grammatical form of “истый”, meaning “true” or “genuine”, and “исто є” is an archaic/ecclesiastical phrase meaning “it is truly so”. In the Respondent’s view, these forms also transliterate directly and naturally into Latin script.

The Respondent maintains that the designation “istoé” is not unique to the Complainant and has been independently adopted by multiple unrelated parties. The Respondent adds that a third party held a trademark registration in Brazil for ISTOÉ CALÇADOS between 2007 and 2017. According to the Respondent, where a domain name consists of a short, dictionary, linguistic, or otherwise commonly used term, the mere existence of trademark registrations is not sufficient, by itself, to establish exclusive rights under the Policy.

The Respondent notes that the ISTOÉ publication has existed for decades, but the Complainant’s trademark rights and corporate structure evolved over time. The Respondent points out that at the time the disputed domain name was registered on May 1, 2002, there was no standalone word trademark ISTOÉ, and the present Complainant entity did not exist yet. The Respondent points out that the first trademark registration for ISTOÉ was made only on November 8, 2016, and the earlier registrations dating back to 1999 are of composite marks such as ISTOÉ ON LINE and ISTOÉ NEGÓCIO, which do not establish exclusive rights in the standalone term “istoé” and do not support an inference that the Respondent, in 2002, registered the disputed domain name with any later-registered word trademark in mind.

The Respondent maintains that at the time of registration of the disputed domain name, it did not have knowledge of, and did not intend to target, any Brazilian publication. According to the Respondent, even today, the Complainant’s brand shows limited presence outside Brazil, as reflected in publicly available visibility and traffic data, further undermining any claim of historical targeting, particularly given the significantly less developed state of the Internet in 2002.

The Respondent notes that for more than 20 years following registration of the disputed domain name, no objections, claims, or disputes were raised by the Complainant or its predecessors in relation to the disputed domain name. The Respondent submits that since its registration, the disputed domain name has been lawfully held as a domain investment and has periodically been offered for sale or lease through recognized marketplaces, including Afternic, on a non-exclusive basis and without targeting any particular trademark owner.

The Respondent states that in 2025, the disputed domain name was leased via Afternic to an undisclosed third party from April 23, 2025, until November 23, 2025. Throughout the lease period, the Respondent remained the registrant of record, but operational control was exercised by the lessee under the registrar's leasing framework. According to the Respondent, any alleged misuse, including the temporary redirection referenced by the Complainant, appeared during the lease period, when the disputed domain name was under third-party operational control, while the Respondent did not configure, authorize, or participate in any such use and had no notice of the lessee's specific technical configurations at the time. Following the termination of the lease and the return of the disputed domain name, the Respondent updated the name server configuration within a reasonable time, thereby terminating the prior routing. The Respondent states that any interim persistence of the redirection was purely technical in nature and incidental, and maintains that it did not actively configure, maintain, or exploit any redirection, nor did it derive any commercial benefit from it. Following the restoration of the full operational control by the Respondent, it ensured that no further third-party use could occur. The Respondent maintains that no ongoing or future risk of misuse exists, and in light of these events, the Respondent has decided not to offer the disputed domain name for lease arrangements going forward. According to it, bad faith use cannot be imputed to a registrant based solely on unilateral actions of an unidentified third party operating under a temporary lease arrangement.

The Respondent notes that the Complainant took no steps at that time to contact the Respondent or to mitigate the alleged redirection to the Complainant's own website, although technical measures to block or neutralise it were available, that the Complainant did not send any cease-and-desist letter or abuse notice, and did not make any other attempt to resolve the issue with the Respondent, but filed the Complaint only after the lease period had expired and the disputed domain name had reverted to the Respondent's control. In view of this, the Respondent requests the Panel to make a finding of Reverse Domain Name Hijacking.

6. Discussion and Findings

6.1. Procedural issue - Supplemental submissions

The Complainant submitted a supplemental submission, which was objected by the Respondent.

Having reviewed it together with the Complaint and the Response, the Panel finds that this supplemental submission addresses a factual issue that was first raised in the Response - whether the ISTOÉ standalone trademark was first registered before the disputed domain name, or after it. The issue of trademark rights is central to any complainant's standing to file a UDRP complaint. The Complainant's supplemental submission states that the ISTOÉ standalone trademark was registered years before the disputed domain name and is accompanied by supporting evidence.

The above considerations lead the Panel to the conclusion that the Complainant's supplemental submission is relevant and that its acceptance in the proceeding is justified, even though it does not change the outcome of the Decision. This in turn makes it unnecessary to provide an opportunity to the Respondent to comment on it from a procedural economy perspective.

Therefore, the Panel decides to accept and take into account the Complainant's supplemental submission.

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 the ISTOÉ trademarks for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The entirety of the ISTOÉ trademarks or their distinctive word element "istoe" is reproduced within the disputed domain name without the diacritical sign above the letter "e". The Panel finds that the ISTOÉ trademarks are recognisable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's ISTOÉ trademarks 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

Since the Complainant has failed to establish that the disputed domain name was registered in bad faith, there is no need to address the present section.

C. Registered and Used in Bad Faith

The Panel finds that the Complainant has failed to establish that the disputed domain name was registered in bad faith.

The Complainant submits that the Respondent may have acquired the disputed domain name in 2025 since it then redirected to the Complainant's official website, but also discusses the possibility that the Respondent may have been the registrant of the disputed domain name since 2002. In any case, the Complainant has not submitted any historical WhoIs data or other evidence supporting a conclusion that the Respondent may have acquired the disputed domain name at any point in time after its original registration, and the Respondent asserts that it has been the registrant of the disputed domain name since then albeit with a leasing arrangement recently. In view of the above, and in the absence of evidence on the contrary, the Panel accepts that it is more likely than not that the Respondent has been the registrant of the disputed domain name since 2002, and will consider its conduct at that time to decide whether the disputed domain name has been registered in bad faith.

The only evidence submitted by the Complainant about the popularity of its ISTOÉ trademarks is an August 1999 article in the The New York Times titled "MEDIA: A News Magazine War in Brazil." The article mentions the ISTOÉ magazine as one of the main Brazilian magazines, notes that the publisher of the magazine is Editora Três, and explains that "isto é" means "that is" in Portuguese. The article does not show that the magazine or the ISTOÉ brand were known in any other country at the time. Rather, the tone of the article shows that its author does not expect the readers to be aware of the magazine. The fact that the ISTOÉ trademark has been registered since 1978 in Brazil does not as such show that it was known anywhere else either, especially outside of Latin America, and the Respondent has submitted evidence that the current traffic to the Complainant's website originates almost exclusively from Brazil.

The Respondent maintains that the disputed domain name consists of a short, brandable term, and explains that the word "Istoe" has a dictionary meaning in certain Slavic languages, which may be a legitimate reason for a speaker of such languages to register it, although there is no allegation or evidence of use of the disputed domain name in relation to such dictionary meaning.

There is also no evidence that the disputed domain name has been linked to any content targeting the Complainant prior to 2025.

Considering the above, the Panel finds that the evidence in the case does not support a conclusion that it is more likely than not that the Respondent, who is based on a different continent, had knowledge of the ISTOÉ magazine or trademarks in 2002 when it registered the disputed domain name. Since the Respondent also provides a plausible explanation why the disputed domain name may be attractive due to it being a five-letter domain, with a seemingly dictionary meaning to certain Slavic language speakers, it follows that there is no basis on the evidence presented for a conclusion that it is more likely than not that the Respondent targeted the ISTOÉ trademarks when registering the disputed domain name.

This leads the Panel to the conclusion that the Complainant has not established that the disputed domain name has been registered in bad faith. That said, noting the below discussion, the Panel observes that should evidence come to light to cast doubt on the claim that a lessee acted in bad faith and that there was in fact a new acquisition in 2025, that may support grounds for a refiling.

Since the Policy contains a cumulative requirement for registration and use in bad faith, the above finding means that the Complaint must fail.

Under the concept of judicial economy, the Panel is therefore not required to address the issue of whether the disputed domain name has been used in bad faith. Nevertheless, the Panel finds that the circumstances of this case warrant a discussion of this issue.

As outlined in section 3.1.4 of the WIPO Overview 3.0, panels have found that a respondent redirecting a domain name to the complainant's website can establish bad faith insofar as the respondent retains control over the redirection, thus creating a real or implied ongoing threat to the complainant.

The Complainant has provided evidence that in 2025 the disputed domain name redirected to the Complainant's website and was configured with subdomains that may potentially impersonate the Complainant.

The Respondent explains that the disputed domain name was leased via Afternic to an undisclosed third party for several months in 2025. Throughout the lease period, the Respondent remained the registrant of record, but operational control was exercised by the lessee under the leasing framework. According to the Respondent, any alleged misuse, including the temporary redirection referenced by the Complainant, appeared during the lease period, when the disputed domain name was under third-party operational control.

The Respondent maintains that bad faith use cannot be imputed to it based solely on unilateral actions of an unidentified third party operating under a temporary lease arrangement. The Panel disagrees. Being the registrant of record of the disputed domain name, the Respondent remains responsible for its use. It cannot disclaim responsibility for the content appearing on the website associated with the disputed domain name simply because it had leased the disputed domain name to a third party. The Respondent does not even claim to have made any good faith efforts to identify the lessee, to have checked how the lessee was using the disputed domain name, or to have required the lessee to refrain from infringing on third-party rights during the lease. Afternic may not have the practice to identify lessees of domain names, but this does not relieve lessors from their responsibility to know to whom they give control over their domain names and to ensure that they use such domain names only for legitimate purposes. See in general terms section 3.5 of the WIPO Overview 3.0.

Having reviewed the record, the Panel therefore finds that the disputed domain name has been used in bad faith under the Policy.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. WIPO Overview 3.0, section 4.16.

Here, the Complainant has not established that the disputed domain name was registered in bad faith, and the Complaint fails. However, the Panel finds it has been used in bad faith, and there is no basis for a finding that the Complainant knew that it could not succeed as to any of the required three elements, or that it ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the Complaint.

It appears from the Complaint that the Complainant believed that the disputed domain name was acquired by the Respondent in 2025 when it was used to redirect to the Complainant's website and was configured with subdomains potentially impersonating the Complainant. The information about the lease of the disputed domain name became available to the Complaint only from the Response.

In view of the above, the Panel concludes that a finding of RDNH against the Complainant is not warranted.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Assen Alexiev/
Assen Alexiev
Sole Panelist
Date: February 11, 2026