

ADMINISTRATIVE PANEL DECISION

Software Brokers of America, Inc. d/b/a Intcomex v. Thomas SCHNEIDER
Case No. D2025-5102

1. The Parties

The Complainant is Software Brokers of America, Inc. d/b/a Intcomex, United States of America ("United States" or "U.S."), represented by Ferraiuoli LLC, Puerto Rico, United States.

The Respondent is Thomas SCHNEIDER, United States.

2. The Domain Name and Registrar

The disputed domain name <Intcomex.com> (the "Disputed Domain Name") is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 8, 2025. On December 9, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 10, 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 23, 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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 15, 2026.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on January 19, 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

Complainant states that it is the owner of U.S. Reg. No. 2,216,461 for INTCOMEX, which was registered on January 5, 1999, for use in connection with "distributorship services in the filed [sic] of computer products" (the "INTCOMEX Trademark"). Complainant provides no additional information about itself.

The Disputed Domain Name was created on December 1, 2025. Complainant states that the Disputed Domain Name is used "to deceive Intcomex's clients by impersonating a senior executive of Intcomex and sending fraudulent payment instructions in an effort to divert legitimate funds". In support thereof, Complainant provides an email sent using an address that includes the Disputed Domain Name, which email provides "updated bank information" (per a translation from Spanish generated by the Panel).

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name. Notably, Complainant contends that:

- The Disputed Domain Name is confusingly similar to the INTCOMEX Trademark because, inter alia, "[t]he sole distinction is the substitution of the lowercase letter 'l' in place of the lowercase letter 'i,' a change that is visually subtle and phonetically indistinguishable."
- Respondent has no rights or legitimate interests in the Disputed Domain Name because, to quote Complainant's argument in its entirety:

"The [INTCOMEX] Trademark... has been in use by Intcomex since at least 1993 and was duly registered before the USPTO on January 5, 1999.... Respondent, on the other hand, created the [Disputed] Domain Name on or about December 1, 2025; and immediately began using it to impersonate Intcomex personnel.... [T]he very next day Respondent sent emails to one of Intcomex's clients while posing as a higher-up Intcomex employee, providing falsified banking details and attempting to redirect legitimate payments to an unauthorized account. Respondent has therefore used the [Disputed] Domain Name to deceive Intcomex's clients, misappropriate funds, and expose Intcomex, its employees, and its business partners to substantial financial harm. Such conduct demonstrates that Respondent has no rights or legitimate interests in the [Disputed] Domain Name, and that its sole purpose in registering and using it is to engage in fraudulent and criminal activity."

- The Disputed Domain Name was registered and is being used in bad faith because, to quote Complainant's argument in its entirety:

"The [Disputed] Domain Name should be considered as having been registered and used in bad faith by the Respondent. Respondent is using the name to deceive Intcomex's clients by impersonating a senior executive of Intcomex and sending fraudulent payment instructions in an effort to divert legitimate funds. Such conduct demonstrates a deliberate intent to mislead, exposing Intcomex's clients, and Intcomex itself, to significant financial and reputational harm. Accordingly, the Respondent's use of the [Disputed] Domain Name constitutes bad faith under the Policy."

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Based upon the trademark registrations cited by Complainant, it is apparent that Complainant has rights in and to the INTCOMEX Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the INTCOMEX Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., "Intcomex") because "[t]he applicable Top-Level Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test". WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.11.1.

As set forth in section 1.7 of [WIPO Overview 3.0](#): "in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing." Further, as set forth in section 1.9 of [WIPO Overview 3.0](#): "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.... Examples of such typos include... the use of different letters that appear similar in different fonts."

Here, clearly, a dominant feature of the INTCOMEX Trademark is recognizable in the Disputed Domain Name, and use of the letter "l" in place of the letter "i" is a common, obvious or intentional misspelling that constitutes typosquatting.

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

B. Rights or Legitimate Interests

Complainant has argued that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, *inter alia*, Respondent has used the Disputed Domain Name to impersonate Complainant in a phishing attempt designed to fraudulently obtain money.

[WIPO Overview 3.0](#), section 2.1, states: "[w]hile 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

Further, as set forth in section 2.13.1 of [WIPO Overview 3.0](#): "Panels have categorically held that the use of a domain name for illegal activity (e.g.,... phishing,... impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent."

The Panel finds that Complainant has established its *prima facie* case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

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

C. Registered and Used in Bad Faith

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location. Policy, paragraph 4(b).

Here, Complainant simply states, without elaboration or citation to any previous decisions under the Policy, [WIPO Overview 3.0](#) or any other authority, that Respondent has acted in bad faith, without reference to any specific paragraph of the Policy. Although Complainant has provided no legal arguments in support of its conclusion, numerous panels have found that phishing activities, as apparently perpetrated by Respondent, constitute bad faith. As section 3.1.4 of [WIPO Overview 3.0](#) clearly states: "phishing... is manifestly considered evidence of bad faith."

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 <Intcomex.com> be cancelled (the remedy requested by Complainant).

/Douglas M. Isenberg/
Douglas M. Isenberg
Sole Panelist
Date: January 28, 2026