

## **ADMINISTRATIVE PANEL DECISION**

Timbro Trading S/A v. mark cooper  
Case No. D2026-0447

### **1. The Parties**

The Complainant is Timbro Trading S/A., Brazil, represented by Salusse, Marangoni, Parente e Jabur Advogados, Brazil.

The Respondent is mark cooper, Nigeria.

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

The disputed domain name <timbrotradings.com> (the "Domain Name"), is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 3, 2026. On February 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 4, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Registration Private, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 5, 2026, 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 February 10, 2026.

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 February 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 3, 2026.

The Center appointed Nicholas Smith as the sole panelist in this matter on March 6, 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 is a Brazilian import/export company, established in 2010, that provides a range of import/export solutions and services to companies interested in exporting goods from or importing goods to Brazil, including logistics and tax services. The Complainant offers its services under the TIMBRO mark and maintains its official website at the domain name <.timbrotrading.com>, which it registered on August 12, 2010.

The Complainant has held a Brazilian trademark registration for the word TIMBRO (the “TIMBRO Mark”) since at 2014, being registration number 903115018, registered April 15, 2014, for services in class 35.

The Domain Name was registered on December 23, 2025. The Domain Name is presently inactive but prior to the commencement of the proceeding resolved to a website maintained by the Registrar displaying pay-per-click (“PPC”) links. The Complaint contains evidence that it has received enquiries from third parties who have received emails from the Respondent using an email account in the address format “[...]@timbrotradings.com” where the Respondent impersonates the Complainant and contacts third parties seeking to commence business relationships.

#### **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 Domain Name.

Notably, the Complainant contends that:

- a) It is the owner of the TIMBRO Mark, having registered the TIMBRO Mark in Brazil. The Domain Name is confusingly similar to the TIMBRO Mark as it reproduces the TIMBRO Mark in its entirety, and adds the additional element “tradings” (along with the “.com” generic Top-Level Domain). Furthermore, the Domain Name is almost identical to Complainant’s corporate name and website address.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the TIMBRO Mark. The Respondent is not commonly known by the TIMBRO Mark, nor does it use the Domain Name for a bona fide purpose or legitimate non-commercial purpose. Rather, the Domain Name is used for a pay-per-click site and emails impersonating the Complainant, which does not provide the Respondent with rights or legitimate interests in the Domain Name.
- c) The Domain Name was registered and is being used in bad faith. The Domain Name is being used for emails that impersonate the Complainant in order to perpetuate fraud.

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

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

## 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 trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "tradings" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 that 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 3.1](#), 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- Before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.1](#), section 2.2.
- The Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.1](#), section 2.3.
- The Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.1](#), section 2.4.

- The record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

The Complaint does not contain copies of emails sent by the Respondent where it impersonates the Complainant but it does contain three enquiries received from independent third parties, each of them indicating that they had been contacted by the Respondent using an email account linked to the Domain Name. In each case the Respondent passed itself off as the Complainant and sought to commence a business relationship. In the absence of a Response the Panel accepts on the balance of probabilities that the Domain Name has been used to send emails to third parties where Respondent impersonates Complainant, likely as a precursor to commencing some sort of fraud on the Complainant or third parties. The Respondent's use of the Domain Name is in connection with a scheme where it sends emails passing itself off as the Complainant to third parties, often characterized as phishing. Panels have held that the use of a domain name for illegal activity, here claimed to be phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1. Nor, in the circumstances of this case, does the use of the Domain Name for a website comprising pay-per-click links unrelated to any dictionary meaning of the Domain Name provide the Respondent with rights or legitimate interests. [WIPO Overview 3.1](#), section 2.9.

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.

Panels have held that the use of a domain name for illegitimate activity (here claimed to be phishing and impersonation/passing off) constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Domain Name constitutes bad faith under the Policy. The Panel on the balance of probabilities finds that the Domain Name has been used to create an email account where the Respondent sends emails purporting to be emails from the Complainant, most likely in order to commit a fraud on third parties. The hosting of sponsored PPC links on the website at the Domain Name in the circumstances of this case further reinforces the notion that there was no good faith explanation for the registration and use of the Domain Name.

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 <timbrotradings.com> be transferred to the Complainant.

*/Nicholas Smith/*

**Nicholas Smith**

Sole Panelist

Date: March 11, 2026