

ADMINISTRATIVE PANEL DECISION

Souza Cruz Ltda v. Frank gomes
Case No. D2026-0879

1. The Parties

The Complainant is Souza Cruz Ltda, Brazil, represented by Com Laude Limited, United Kingdom.

The Respondent is Frank gomes, Brazil.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 27, 2026. On February 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 March 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 1, 2026.

The Center appointed Erica Aoki as the sole panelist in this matter on April 13, 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, operating as BAT Brasil, is a Brazilian company and a member of the British American Tobacco group of companies (“BAT”). The Complainant has a longstanding commercial presence in Brazil dating back to 1903 and is one of the largest tobacco companies in the country. It operates an extensive domestic distribution network serving more than 250,000 points of sale across more than 5,000 Brazilian municipalities. As part of the BAT group, the Complainant also serves as a central hub for BAT’s operations in Latin America. BAT is a multinational tobacco and nicotine products group founded in 1902, operating in approximately 160 countries worldwide. The BAT group owns a substantial portfolio of well-known brands and maintains a significant global commercial presence.

The Complainant has established rights in the SOUZA CRUZ trademark through multiple trademark registrations, including:

- Brazilian Trademark Registration No. 800139151 for SOUZA CRUZ, registered on November 30, 1982;
- Brazilian Trademark Registration No. 800135369 for SOUZA CRUZ, registered on December 7, 1982; and
- Brazilian Trademark Registration No. 909996792 for SOUZA CRUZ, registered on July 10, 2018.

These trademark registrations significantly predate the registration of the disputed domain name and remain valid and in force.

The Complainant also operates official websites, including “www.batbrasil.com”, and owns domain names incorporating its trademark, including <souzacruz.com>.

The disputed domain name was registered on September 29, 2025. According to the record, the disputed domain name previously resolved to an active website that prominently displayed the Complainant’s BAT Brasil branding and referred to the Complainant and related BAT group brands, including Dunhill, Kent, Lucky Strike, and Rothmans. The website appeared to present itself as a retailer login platform and reproduced the Complainant’s physical address in Rio de Janeiro, Brazil. The record further indicates that the website did not contain any disclaimer explaining the absence of relationship with the Complainant.

At the time of filing of the Complaint, the disputed domain name no longer resolved to the prior website and instead displayed a notice stating that the website was unavailable for legal reasons following a takedown request of the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied all three elements required under paragraph 4(a) of the Policy.

First, the Complainant submits that the disputed domain name is confusingly similar to its SOUZA CRUZ trademark. The disputed domain name incorporates the Complainant’s trademark in its entirety and merely adds the term “varejista”, which the Complainant argues is a typographical variant of the Portuguese word “varejista” (meaning “retailer”). According to the Complainant, the addition of such term does not prevent a finding of confusing similarity and suggests an official retailer-related service of the Complainant.

Second, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant, has never been authorized or licensed to use the SOUZA CRUZ trademark, and is not commonly known by the disputed domain name.

The Complainant further argues that the Respondent’s use of the disputed domain name for a website impersonating the Complainant and presenting itself as a retailer login portal cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

Third, the Complainant contends that the disputed domain name was registered and is being used in bad faith. Given the longstanding and well-known nature of the SOUZA CRUZ trademark in Brazil, the Respondent must have been aware of the Complainant's rights at the time of registration. The Complainant further submits that the Respondent intentionally used the disputed domain name to create a likelihood of confusion as to source, sponsorship, affiliation, or endorsement by operating a website falsely presenting itself as associated with the Complainant, including through the use of the Complainant's branding, address, and references to related BAT group brands.

Accordingly, the Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a 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 Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

The Panel finds that the Complainant has established rights in the SOUZA CRUZ trademark through its registered trademark rights. The disputed domain name incorporates the Complainant's SOUZA CRUZ trademark in its entirety as its dominant element. The addition of the term "varegista" (which may be seen as a typographical variant of the Portuguese word "varejista", meaning "retailer") does not prevent the Complainant's trademark from remaining clearly recognizable within the disputed domain name. Panels have consistently held that where the relevant trademark is recognizable within the disputed domain name, the addition of descriptive, meaningless, or other terms does not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), section 1.8.

The generic Top-Level Domain ("gTLD") ".com" is a standard registration requirement and is disregarded for the purposes of the confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark.

The first element of the Policy has been established.

B. Rights or Legitimate Interests

The Panel finds that 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 affiliated with the Complainant and has not been authorized or licensed to use the SOUZA CRUZ trademark in any manner. There is no evidence that the Respondent has been commonly known by the disputed domain name.

According to the available record, the disputed domain name was previously used to operate a website that impersonated the Complainant, prominently displaying the Complainant's BAT Brasil branding and physical address while attempting to present itself as an authorized retailer login portal. Such use creates a misleading impression of affiliation and does not constitute a bona fide offering of goods or services. Panels have consistently held that the use of a domain name for illegal or fraudulent activity, including impersonation and passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Respondent has not submitted any Response or evidence to rebut the Complainant's prima facie showing or to demonstrate any of the circumstances set out in paragraph 4(c) of the Policy.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

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 sets out a non-exhaustive list of circumstances that may constitute evidence of the registration and use of a domain name in bad faith.

Having reviewed the record, the Panel finds that the disputed domain name was registered and is being used in bad faith.

The Complainant's SOUZA CRUZ trademark is longstanding and well known in Brazil, where the Respondent is located. The Complainant's trademark rights significantly predate the registration of the disputed domain name. In these circumstances, the Panel finds it implausible that the Respondent was unaware of the Complainant and its trademark rights at the time of registration.

The disputed domain name incorporates the Complainant's trademark in its entirety together with the term "varejista", which appears to evoke the Portuguese word "varejista" (meaning "retailer"), a term directly connected with the Complainant's commercial distribution activities. The composition of the disputed domain name therefore increases the likelihood that Internet users would believe it to be associated with an official retailer, distributor, or commercial portal of the Complainant.

The record further shows that the Respondent previously used the disputed domain name for a website prominently displaying the Complainant's BAT Brasil branding, referring to related the BAT group brands, reproducing the Complainant's physical address, and presenting what appeared to be a retailer login portal. Such conduct demonstrates an intentional attempt to attract Internet users by creating a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation, or endorsement, which constitutes evidence of bad faith under paragraph 4(b)(iv) of the Policy.

Moreover, the operation of an apparent login portal under a domain name confusingly similar to a complainant's mark creates a serious risk of credential harvesting, phishing, or other fraudulent misuse, which further supports a finding of bad faith.

Although the disputed domain name is no longer active, panels have consistently held that passive holding does not prevent a finding of bad faith where the surrounding circumstances otherwise support such conclusion. [WIPO Overview 3.1](#), section 3.3. Relevant circumstances in the present case include the distinctiveness and reputation of the Complainant's mark, the composition of the disputed domain name, the Respondent's prior impersonating use of the disputed domain name, the absence of any plausible good-faith use, and the Respondent's failure to participate in the proceeding.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.

The third element of the Policy has been established.

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 <sozacruzvaregista.com> be transferred to the Complainant.

/Erica Aoki/

Erica Aoki

Sole Panelist

Date: April 27, 2026