ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
ZURU IP Ltd. v. Marcelo fERNANDO
Case No. D2026-1405

1. The Parties

The Complainant is ZURU IP Ltd., China, represented by Dunlap Bennett & Ludwig PLLC, United States of America ("United States").

The Respondent is Marcelo fERNANDO, Brazil.

2. The Domain Name and Registrar

The disputed domain name <minibrands.online> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 1, 2026. On April 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 2026, 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 PURPOSES, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 7, 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 amended Complaint on April 7, 2026.

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 April 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 10, 2026.

The Center appointed Gonçalo M. C. Da Cunha Ferreira as the sole panelist in this matter on May 15, 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 ZURU IP Ltd., part of the ZURU group, which is active in the toy and consumer products sector, including collectible miniature toys marketed under the trademark MINI BRANDS.

The record shows that the Complainant relies on trademark rights in MINI BRANDS and ZURU, including, among others:

- United States Trademark Registration No. 5815520 for MINI BRANDS, registered on July 23, 2019, in international class 28;

- Brazilian Trademark Registration No. 928562026 for MINI BRANDS, registered on March 12, 2024, in international class 28;

- Brazilian Trademark Registration No. 909097097 for ZURU, registered on September 19, 2017, in international class 28.

The record also contains evidence of assignments and corporate documentation relating to the ownership of the relevant trademarks relied upon by the Complainant.

The Complainant operates official websites promoting its MINI BRANDS products, including through the ZURU group's online presence.

The disputed domain name was registered on March 11, 2026.

The evidence submitted by the Complainant shows that the disputed domain name resolved to a Portuguese-language commercial website headed "FINALMENTE NO BRASIL! LOJA OFICIAL MINI BRANDS COM FRETE GRÁTIS", displaying the Complainant's MINI BRANDS mark and offering for sale products presented as MINI BRANDS products.

The Respondent is Marcelo fERNANDO, apparently located in Brazil. There is no evidence in the record that the Respondent is affiliated with the Complainant or has been authorized to use the Complainant's MINI BRANDS trademark.

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.

Notably, the Complainant contends that:

1. the Complainant contends that it owns trademark rights in MINI BRANDS and ZURU, including registered trademark rights in Brazil and the United States;

2. the Complainant contends that it has extensively used and promoted the MINI BRANDS trademark in connection with its collectible miniature toy products;

3. the Complainant contends that the disputed domain name is identical or confusingly similar to the MINI BRANDS trademark because it reproduces the trademark in its entirety, merely omitting the space between the words “MINI” and “BRANDS”;

4. the Complainant further contends that the addition of the generic Top-Level Domain (“gTLD”) “.online” does not prevent a finding of confusing similarity;

5. the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name;

6. the Complainant states that the Respondent is not affiliated with the Complainant, is not licensed or authorized to use the MINI BRANDS trademark, and has not been permitted to register any domain name incorporating the Complainant’s trademark;

7. the Complainant contends that the Respondent is not commonly known by the disputed domain name;

8. the Complainant further contends that the Respondent is not making a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name;

9. the Complainant submits that the disputed domain name has been used for a Portuguese-language website prominently displaying the wording “LOJA OFICIAL MINI BRANDS”, together with the Complainant’s MINI BRANDS trademark and products associated with the Complainant;

10. the Complainant contends that such use falsely suggests that the Respondent’s website is operated, authorized, sponsored, affiliated with, or endorsed by the Complainant;

11. the Complainant contends that the disputed domain name was registered and is being used in bad faith;

12. the Complainant submits that, given the composition of the disputed domain name and the content of the associated website, the Respondent was clearly aware of the Complainant and its MINI BRANDS trademark when registering the disputed domain name; and

13. the Complainant contends that the Respondent intentionally attempted to attract Internet users, for commercial gain, by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website.

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 disputed 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 the MINI BRANDS trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The disputed domain name incorporates the Complainant's MINI BRANDS trademark in its entirety, with the only difference being the omission of the space between the words "MINI" and "BRANDS". The MINI BRANDS trademark remains clearly recognizable within the disputed domain name.

The gTLD ".online" is a standard registration requirement and is disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

The Panel finds that 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 that 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. There is no evidence that the Respondent is commonly known by the disputed domain name, or that the Respondent has been authorized by the Complainant to use the MINI BRANDS trademark.

The disputed domain name has been used for a website presenting itself as an official MINI BRANDS store in Brazil and offering products under the Complainant's mark. In the circumstances of this case, such use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use. Even assuming that the Respondent was offering genuine products, the Respondent's use of the disputed domain name would fail to meet the criteria generally applied by UDRP panels to resellers or distributors under the "Oki Data test", notably because the website falsely suggested an official relationship with the Complainant and did not accurately and prominently disclose the lack of relationship between the Parties.

Panels have held that the use of a domain name for passing off, impersonation, or other misleading activity can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, sections 2.8.1 and 2.13.1.

The Panel finds that 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 finds that the Respondent was aware of the Complainant and its MINI BRANDS trademark when registering the disputed domain name. The disputed domain name reproduces the MINI BRANDS trademark in its entirety, and the associated website expressly presented itself as an official MINI BRANDS store in Brazil.

The Respondent's use of the disputed domain name to display the Complainant's trademark and offer products under that mark shows clear targeting of the Complainant.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's MINI BRANDS trademark as to the source, sponsorship, affiliation, or endorsement of the website and of the products offered thereon, within the meaning of paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for passing off, impersonation, or other misleading conduct constitutes bad faith. WIPO Overview 3.1, section 3.4.

The Panel therefore finds that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

The Panel finds that 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 <minibrands.online> be transferred to the Complainant.

/Gonçalo M. C. Da Cunha Ferreira/
Gonçalo M. C. Da Cunha Ferreira
Sole Panelist
Date: May 21, 2026