ADMINISTRATIVE PANEL DECISION

Forbes LLC v. Haroldo de Oliveira
Case No. D2026-1801

1. The Parties

The Complainant is Forbes LLC, United States of America, represented by Riker Danzig LLP, United States of America ("USA").

The Respondent is Haroldo de Oliveira, Brazil.

2. The Domain Name and Registrar

The disputed domain name <forbeslatina.com> (the "Disputed 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 April 27, 2026. On April 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 29, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 29, 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 May 4, 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 May 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 26, 2026.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on June 1, 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, Forbes LLC, is a company based in the USA and the successor-in-interest to Forbes Inc. Since 1917, the Complainant has published a magazine under the name "FORBES" and currently provides publishing, media, business, and financial information services.

The Complainant is the owner of numerous registered trademarks containing or consisting of FORBES, including the following:

- FORBES, USA word mark No. 1141299, registered on November 11, 1980, and covering goods in class 16;

- FORBES, Brazil word mark No. 815558228, registered on February 18, 1992, and covering products such as printed material of all types;

- FORBES, USA word mark No. 4229624, registered on October 23, 2012, and covering goods and services in classes 9 and 41.

The Complainant operates the domain name <forbes.com>, which resolves to its official website.

The Disputed Domain Name was registered on May 4, 2025 and appears to resolve to a website similar to the Complainant's official website.

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 the Disputed Domain Name is confusingly similar to a trademark in which it claims to have rights.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name as, in summary:

- the Respondent is not sponsored by or affiliated with the Complainant in any way. The Complainant has not given the Respondent permission to use the Complainant's trademarks in any manner, including in domain names;

- the Respondent is not commonly known by the Disputed Domain Name and was not known by such name at the time the Disputed Domain Name was registered;

- the Respondent is using the Disputed Domain Name to attract users to its competing website where the Respondent offers services, namely online news articles relating to business, technology, real estate, the economy, investments, lifestyle, general news, etc. by means of a global computer network. Past panels have consistently held that offering competing goods or services, coupled with the unauthorized use of a complainant's trademarks in a confusingly similar domain name, does not qualify as a bona fide offering of goods or services.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. In summary, according to the Complainant:

- the Respondent acquired the Disputed Domain Name more than 43 years after the Complainant registered its first trademark in the USA;

- given that the Respondent (i) registered the Disputed Domain Name in order to host news articles relating to business, technology, real estate, the economy, investments, lifestyle, and general news by means of a global computer network; and (ii) is utilizing the Complainant's registered trademarks to receive the benefits of the association with the Complainant, it is highly unlikely that the Respondent is unaware of the Complainant's worldwide fame;

- the Respondent's use of the Disputed Domain Name also constitutes a disruption of the Complainant's business and qualifies as bad faith registration and use under Policy ¶4(b)(iii) because the Disputed Domain Name is confusingly similar to the Complainant's trademarks and the Respondent is using the Disputed Domain Name to offer competing services.

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.

Based on the available record, the Panel finds 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 Panel observes that the Complainant's FORBES mark is reproduced in its entirety within the Disputed Domain Name. In such cases, the domain name will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. WIPO Overview 3.1, section 1.7.

Additionally, the Panel finds that the mere addition of the term "latina" does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

It is well established that generic Top-Level Domains, here ".com", may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights. WIPO Overview 3.1, section 1.11.

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 Disputed 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 Disputed Domain Name such as those enumerated in the Policy or otherwise.

The Panel notes that the Respondent has not apparently been commonly known by the Disputed Domain Name. According to the information provided by the Registrar, the Respondent is "Haroldo de Oliveira". The Respondent's use and registration of the Disputed Domain Name was not authorized by the Complainant.

Fundamentally, a respondent's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant's mark is often central to this inquiry. Even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. WIPO Overview 3.1, section 2.5.1. The Panel finds that this applies to the present case.

The Disputed Domain Name incorporates the Complainant's FORBES trademark in its entirety. In the Panel's view, the mere addition of the term "latina" is insufficient to avoid the risk of confusion. Internet users could easily consider the Disputed Domain Name to refer to a website of the Complainant specifically addressed to women native or inhabitant of Latin America. Therefore, the Panel finds that the Disputed Domain Name carries a risk of implied affiliation with the Complainant.

Beyond looking at the disputed domain name and the nature of any additional terms appended to the mark, UDRP panels also assess whether the overall facts and circumstances of the case, such as the content of the website linked to a disputed domain name and the absence of a response, support a fair use or not. WIPO Overview 3.1, sections 2.5.2 and 2.5.3.

The Disputed Domain Name appears to resolve to a website very similar to the Complainant's website, even copying the specific font of the Complainant's mark. In the Panel's view, this neither amounts to a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the Disputed Domain Name. UDRP panels have categorically held that the use of a domain name for impersonation or passing off can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Respondent had the opportunity to demonstrate its rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

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. Among these factors demonstrating bad faith registration and use is the use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to a 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 website or location or of a product or service on the website or location.

In the present case, the Panel finds it inconceivable that the Respondent was unaware of the Complainant and its trademark rights when it registered the Disputed Domain Name:

- the Disputed Domain Name incorporates the Complainant's trademark in its entirety, simply combining it with a generic term;
- some of the Complainant's trademarks predate the registration of the Disputed Domain Name by more than 30 or even 40 years, including in Brazil where the Respondent seems to be located;
- the Disputed Domain Name refers to a website similar to the Complainant's official website, reproducing the Complainant's mark as depicted on the Complainant's official website.

In the Panel's view, the circumstances of this case indicate that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark. Given that the use of a domain name for per se illegitimate activity can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith. WIPO Overview 3.1, section 3.1.4.

By failing to respond to the Complaint, the Respondent did not take any initiative to contest the foregoing. Pursuant to paragraph 14 of the Rules, the Panel may draw the conclusions it considers appropriate.

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 <forbeslatina.com> be transferred to the Complainant.

/Flip Jan Claude Petillion/
Flip Jan Claude Petillion
Sole Panelist
Date: June 15, 2026