ADMINISTRATIVE PANEL DECISION

D.E. Cafés do Brasil Ltda, Jacobs Douwe Egberts BR Comercialização de Cafés Ltda v. Russel Alexander
Case No. D2026-2495

1. The Parties

The Complainants are D.E. Cafés do Brasil Ltda, and Jacobs Douwe Egberts BR Comercialização de Cafés Ltda, Brazil, represented by Ploum, the Netherlands (Kingdom of the).

The Respondent is Russel Alexander, Brazil.

2. The Domain Name and Registrar

The disputed domain name <lojas-cafe-pilao.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 9, 2026. On June 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 10, 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 Complainants on June 11, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on June 11, 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 June 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 6, 2026.

The Center appointed Erica Aoki as the sole panelist in this matter on July 9, 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 Complainants are D.E. Cafés do Brasil Ltda. and Jacobs Douwe Egberts BR Comercialização de Cafés Ltda., companies belonging to the JDE Peet's group, an international coffee and tea company headquartered in the Netherlands (Kingdom of the).

The JDE Peet's portfolio comprises numerous well-known coffee and tea brands marketed in over 100 countries, including PILÃO, Jacobs, Tassimo, Moccona, Senseo, L'OR, Douwe Egberts, Kenco, and Gevalia. The Complainants operate, among others, the domain names <pilao.com.br> and <cafepilao.com.br>. The Complainants are the owner of numerous trademark registrations for the mark PILÃO in multiple jurisdictions.

These include, among others:

- Brazilian trademark PILÃO, registration No. 811065081, registered on June 12, 1984;
- Portuguese trademark PILÃO, registration No. 492353, registered on March 2, 2012; and
- United States of America trademark PILAO, registration No. 3089729, registered on May 9, 2006.

The trademarks are registered in connection with goods in International Class 30, including coffee, tea, and cocoa-based beverages.

The disputed domain name <lojas-cafe-pilao.com> was registered on May 18, 2026.

Prior to the filing of the Complaint, the disputed domain name resolved to a website that prominently displayed the Complainants' PILÃO trademark and reproduced the overall appearance, text, and images from the Complainants' official website.

The website also displayed the name "Pilão" together with the business address, postal code, and Brazilian corporate taxpayer identification number (CNPJ) of the Second Complainant, thereby presenting itself as if it were operated by, or affiliated with, the Complainants.

According to the Complaint, after the Complainants submitted abuse complaints to both the Registrar and the hosting provider, the website associated with the disputed domain name was taken offline.

Following the Registrar's verification, the underlying registrant was identified as Russel Alexander of Brazil. The Complainants further submitted that the address disclosed by the Registrar appeared not to correspond to an actual property.

5. Parties' Contentions

A. Complainant

The Complainants contend that the disputed domain name is confusingly similar to their PILÃO trademark, as it incorporates the trademark in its entirety together with the descriptive terms "lojas" and "cafe", which do not prevent a finding of confusing similarity.

The Complainants further contend that the Respondent has no rights or legitimate interests in respect of the disputed domain name. According to the Complaint, the Respondent is not affiliated with the Complainants, has never been authorized to use the PILÃO trademark, is not commonly known by the disputed domain name, and is not making a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

The Complainants submit that the disputed domain name was used to resolve to a website that reproduced the Complainants' PILÃO trademark and copied the overall appearance and content of the Complainants' official website, including the business address, postal code, and CNPJ of the Second Complainant, thereby falsely suggesting that the website was operated by, or affiliated with, the Complainants.

Finally, the Complainants contend that the disputed domain name was registered and is being used in bad faith, with the intention of misleading Internet users for commercial gain by creating a likelihood of confusion with the Complainants' trademark.

The Complainants request that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the Complainants must prove each of the following three elements in order to prevail:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have 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

The Complainants have demonstrated rights in the PILÃO trademark through the trademark registrations identified in section 4 above.

The disputed domain name <lojas-cafe-pilao.com> incorporates the Complainants' PILÃO trademark in its entirety. The omission of the diacritical mark in the term "PILÃO" does not prevent a finding of confusing similarity, as domain names do not ordinarily accommodate such characters in their standard form.

As stated in section 1.7 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable within the domain name, the domain name will normally be considered confusingly similar to that mark.

The addition of the terms "lojas" and "cafe", separated by hyphens, does not prevent the PILÃO trademark from remaining clearly recognizable within the disputed domain name.

As explained in section 1.8 of the WIPO Overview 3.1, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms, whether descriptive, geographical, pejorative, meaningless, or otherwise, does not prevent a finding of confusing similarity.

The generic Top-Level Domain ("gTLD") ".com" is viewed as a standard registration requirement and is therefore disregarded under the first element of the Policy. See WIPO Overview 3.1, section 1.11.1. Accordingly, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainants have rights. The Complainants have therefore satisfied the requirement of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out a non-exhaustive list of circumstances in which a respondent may establish rights or legitimate interests in a disputed domain name.

Although the overall burden of proof rests with the Complainants, it is well established that once a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating such rights or legitimate interests.

Where the respondent fails to do so, the complainant is deemed to have satisfied the second element of the Policy (WIPO Overview 3.1, section 2.1).

The Complainants have established such a prima facie case. They state that they have never authorized, licensed, or otherwise permitted the Respondent to use the PILÃO trademark or to register any domain name incorporating that mark.

There is no evidence that the Respondent owns any trademark or other intellectual property rights corresponding to the disputed domain name.

The Registrar has identified the Respondent as "Russel Alexander". Nothing in the record indicates that the Respondent has been commonly known by the disputed domain name or by the name "PILÃO" within the meaning of paragraph 4(c)(ii) of the Policy.

The evidence further demonstrates that the disputed domain name resolved to a website that reproduced the Complainants' branding and visual identity, while also displaying the Complainants' address and corporate taxpayer registration number (CNPJ).

Such use was clearly intended to create a false impression that the website was operated by, endorsed by, or otherwise affiliated with the Complainants.

Such conduct cannot constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, nor can it constitute a legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy. As stated in section 2.13.1 of the WIPO Overview 3.1, the use of a domain name for illegal activity, including impersonation or other forms of fraud, can never confer rights or legitimate interests on a respondent.

In the absence of any Response, and in light of the evidence submitted by the Complainants, the Panel finds that the Respondent has failed to rebut the Complainants' prima facie case or otherwise demonstrate any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainants have satisfied the requirement of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances 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 clearly aware of the Complainants' trademark rights at the time the disputed domain name was registered.

The disputed domain name wholly incorporates the Complainants' well-known PILÃO trademark together with the descriptive terms "lojas" and "cafe", both of which reinforce the association with the Complainants' business.

The Panel further notes that the Respondent is located in Brazil, where the PILÃO trademark has been extensively used and promoted for decades and enjoys widespread recognition. In these circumstances, the Panel considers it inconceivable that the Respondent registered the disputed domain name without prior knowledge of the Complainants and their trademark rights.

This conclusion is reinforced by the Respondent's subsequent use of the disputed domain name. The evidence shows that the associated website reproduced the Complainants' branding and visual identity and displayed the Complainants' address and corporate taxpayer registration number (CNPJ), thereby falsely presenting itself as an official website of, or one affiliated with, the Complainants.

Such conduct demonstrates a deliberate attempt to impersonate the Complainants and to mislead Internet users into believing that the disputed domain name was operated or authorized by them.

As recognized in section 3.1.4 of the WIPO Overview 3.1 the nature of a domain name, together with the surrounding circumstances, may by itself support an inference of bad-faith registration. Moreover, section 3.4 of the WIPO Overview 3.1 makes clear that the use of a domain name for phishing, impersonation, or other fraudulent activity constitutes manifest evidence of bad faith under the Policy.

Although the website associated with the disputed domain name subsequently became inactive, such inactivity does not prevent a finding of bad faith where the overall circumstances of the case clearly demonstrate abusive registration and use.

The Respondent's removal of the infringing content after the filing of abuse complaints does not cure the prior bad-faith conduct nor alter the Panel's assessment.

Taking all of the circumstances into account, including the Respondent's knowledge of the Complainants' well-known trademark, the deliberate impersonation of the Complainants through the reproduction of their branding, address, and CNPJ, the absence of any plausible legitimate explanation for the registration of the disputed domain name, and the Respondent's failure to submit a Response, the Panel concludes 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.

Accordingly, the Complainants have satisfied 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 <lojas-cafe-pilao.com> be transferred to the Complainant.

/Erica Aoki/
Erica Aoki
Sole Panelist
Date: July 23, 2026