

ADMINISTRATIVE PANEL DECISION

Blue Media Services Ltda v. Celso Oliveira, blue
Case No. D2026-3763

1. The Parties

The Complainant is Blue Media Services Ltda., Brazil, represented by Keystone Law, United Kingdom.

The Respondent is Celso Oliveira, blue, Brazil.

2. The Domain Name and Registrar

The disputed domain name <bluems.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 22, 2026. On August 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 25, 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 (Domain Protection Services, Inc / celso oliveira, blue) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 26, 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 August 28, 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 August 31, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 20, 2026.

The Complainant submitted a Supplemental Filing to the Center on September 9, 2026.

The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 22, 2026.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on September 25, 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 limited liability company incorporated on July 16, 2020¹, and one of four affiliated companies carrying on business in online advertising under the names BLUE, BLUEMS and BLUE MEDIA SERVICES.

The Respondent was the founder and former director of the Complainant and sold the entire issued share capital of the Complainant to Phaion AG, a company incorporated in Liechtenstein pursuant to a share purchase agreement executed, according to the Complainant, in July 2024, as part of a wider transaction that was completed on January 27, 2025, and which involved the acquisition by Phaion AG of the four companies trading under the BLUE name.

The disputed domain name was originally registered on August 11, 2000. The record does not establish the date on which the Respondent acquired the disputed domain name. The earliest historical Whois record in evidence, dated April 13, 2022, identifies "celso oliveira", company "blue", of Brazil, as the registrant (Annex 2 to the Complaint).

The disputed domain name has been used in the past to host the Complainant's official website and has also been used for email accounts of the Complainant. The Internet Archive records submitted by the Complainant include captures dated June 30, 2022, July 23, 2023, September 30, 2023, February 29, 2024, March 29, 2024, April 14, 2024, and June 20, 2025, showing the use of "Blue Media Services" and "BMS" in connection with the Complainant's website at the disputed domain name (Annex 3 to the Complaint).

Presently, no active webpage resolves from the disputed domain name.

Phaion AG, the Complainant's parent, is the claimant in five pending arbitration proceedings under the London Court of International Arbitration Rules 2020 against the Respondent and others, arising out of the sale of the Complainant and affiliated companies, concerning, among other matters, the handover of IT assets.

On June 8, 2026, the Complainant's solicitors addressed a letter to the Respondent's solicitors (Annex 4 to the Complaint) concerning access to and control over various IT systems and resources of the Complainant and affiliated Companies. The letter identified "domain names" among the relevant IT assets and requested the handover of control. A further letter of July 2, 2026, sent to the Respondent's solicitors explicitly indicated the request for the transfer of the disputed domain name, in addition to another domain name which had already been indicated in past correspondence between the Parties.

In subsequent correspondence, the Parties disputed whether the disputed domain name fell within the assets to be handed over. In a letter dated August 20, 2026, the Respondent's solicitors stated that the relevant "Key Assets" comprised, inter alia, "the domain of the Blue Companies ('getblue.io') and that the Respondents "only have access to the domain 'getblue.io'". The Complainant disputed that position and maintained that the disputed domain name was also a domain name of the Blue Companies.

¹ According to the Complainant's Tax Payer Id Card No 37.746.861/0001-23, and which the Panel verified at the Brazilian Revenue Service's database, available at: <https://solucoes.receita.fazenda.gov.br/Servicos/cnpjreva/comprovante>.

Following or around the Registrar's disclosure identifying the underlying registrant as "Celso Oliveira", company "blue", the Parties exchanged further correspondence concerning the registration and control of the disputed domain name (Annexes 6-9 to the Complainant's unsolicited Supplemental Filing of September 9, 2026). The Respondent's solicitors maintained that the disputed domain name was not registered in the Respondent's Registrar account and that the Respondent was merely identified as the underlying contact behind the privacy service, further stating that it was understood to be registered within the Complainant's Amazon Web Services (AWS) account. The Complainant disputed that position, relying on the Registrar's disclosure, historical Whois records and the personal contact details associated with the registration, and further noting that Name.com, Inc. had consistently been the Registrar, while AWS appeared only to provide DNS hosting services.

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 BLUEMS is the abbreviation under which the Complainant, Blue Media Services Ltda., trades and is known and that the disputed domain name corresponds to the Complainant's own trading name and is the domain name through which the Complainant's business email operates.

The Complainant contends that under the share purchase agreement the Respondent sold the entire issued share capital of the Complainant to Phaion AG and was required to hand over control of the relevant intellectual property and IT assets of the Complainant and affiliated companies, the contractual definition of "Intellectual Property Rights" expressly encompassing "any and all rights over trademarks, domain names, brand names, logos" and rights over websites.

Furthermore, the Complainant asserts that the Respondent resigned his directorship in the Complainant in October 2025, and was then suspended from his functions on February 9, 2026, with his services agreement subsequently being terminated for material breach on March 13, 2026. Since then, the Complainant and Phaion AG have been seeking to obtain control over various of the Complainant's IT assets, including the disputed domain name.

The Complainant contends that a founder who holds the company's own domain name in his personal name, and who has accepted through his solicitors that the class of assets to which it belongs is the company's, can have no rights or legitimate interests in it, but, at most, holds it in a fiduciary capacity for the company (as found in *eProfiler Solutions Ltd. v. David Lane*, WIPO Case No. [D2025-4820](#): the disputed domain name "was registered, and has at all material times been used, for the sole benefit of the Complainant").

The Complainant further points out that the Respondent himself is not commonly known by the name BLUEMS; nor is he making a bona fide offering of goods or services under it independent of the Complainant's business within the meaning of paragraph 4(c)(i) of the Policy; also there is no legitimate noncommercial or fair use within the meaning of paragraph 4(c)(iii) of the Policy; the Complainant also has not authorized the Respondent to hold or use the disputed domain name in his personal name following his sale of the entire issued share capital of the Complainant to Phaion AG.

As to the registration of the disputed domain name in bad faith, the Complainant contends that the acquisition and holding of a company's own name by its officer, in his personal capacity, amounts to registration in bad faith as against the company: the officer takes for himself, and positions himself to withhold, an asset which he holds only as the company's fiduciary. The Complainant further points out that the registration of the disputed domain name was renewed for five years, through to 2029, by an update of June 1, 2024, in the middle of the sale negotiations and at a time when the disputed domain name was serving as the address of the Complainant's website (Annexes 3 and 4 to the Complaint).

As to use in bad faith, the Complainant asserts that, since the sale was completed, and in particular since the Respondent's suspension in February 2026, the Respondent has used his registrant-level control of the disputed domain name to withhold from the Complainant control over the own business email and DNS infrastructure associated with the disputed domain name.

In its unsolicited Supplemental Filing of September 9, 2026, the Complainant stresses that, in the correspondence exchanged between the Parties' solicitors, the Respondent's solicitors expressly stated in their letter of September 1, 2026, that "the (...) [Respondent] accepts that <bluems.com> is a domain which has been used by the Blue Companies in the past". They nevertheless maintained that the disputed domain name was not registered in the Respondent's registrar account and sought to characterize the Respondent merely as "the underlying contact behind" behind the privacy service used for the disputed domain name, rather than its registrant or owner. According to the Complainant, that distinction amounts to a "smoke screen" intended to avoid the conclusion that the Respondent has been in fact the registrant and controller of the disputed domain name, rather than merely a contact identified for privacy service purposes.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Matters

A. The Complainant's Unsolicited Supplemental Filing

Paragraphs 10 and 12 of the Rules grant the Panel discretion to determine the admissibility, relevance, materiality, and weight of unsolicited supplemental filings. As reflected in section 4.6 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), such filings are generally discouraged, and the submitting party would ordinarily be expected to demonstrate their relevance and explain why the information could not reasonably have been provided in the complaint or response.

In the present case, the Complainant's Supplemental Filing addresses developments which took place after the filing of the Complaint, including the Registrar's disclosure of the underlying registrant information and subsequent correspondence exchanged between the Parties' solicitors concerning the registration and control of the disputed domain name. The Panel considers these matters relevant to the issues to be determined and finds that they could not have been addressed in the Complaint as originally filed.

Accordingly, exercising its discretion under paragraphs 10 and 12 of the Rules, and considering the circumstances of the case, the Panel accepts the Complainant's Unsolicited Supplemental Filing of September 9, 2026. The Panel also notes that the Supplemental Filing was copied to the Respondent, who did not address it, nor reply to the Complaint generally. In this context, and noting the Supplemental Filing includes reasoned arguments from the purported solicitors of the Respondent, the Panel has not provided the Respondent a separate period to reply to the Complainant's Unsolicited Supplemental Filing.

B. Effect of the Arbitration Proceedings

The Panel notes that Phaion AG, the Complainant's parent company, is the claimant in five pending LCA arbitrations against the Respondent and others arising out of the sale of the Complainant and affiliated companies and in which, among other matters, the handover and control of certain IT and other assets is under dispute.

Paragraph 18(a) of the Rules gives a panel discretion to suspend, terminate, or continue a UDRP proceeding where legal proceedings have been initiated in respect of a domain name dispute that is the subject of the UDRP Complaint. The existence of parallel proceedings does not, however, in itself prevent a panel from proceeding under the Policy. [WIPO Overview 3.1](#), section 4.14.

In the present case, the record indicates that the Respondent's solicitors have sought to exclude the disputed domain name from the assets falling within the scope of the handover process in the arbitrations, stating, inter alia, that the Respondent had access "only" to the domain name <getblue.io>.

In these circumstances, the Panel considers that determination of the present Complaint under the Policy does not require the Panel to determine the broader contractual disputes pending before the arbitral tribunal, and that the record does not indicate that the question of the registration of the disputed domain name in the Respondent's name is one that the Respondent has maintained falls to be determined in those proceedings. The Panel therefore considers it appropriate to proceed to determine the Complaint under the Policy.

6.2. Substantive Matters

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 3.1](#), section 1.7.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 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 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.

Indeed, the Respondent himself is not commonly known by the name BLUEMS; nor has the Respondent made a bona fide offering of goods or services, under the disputed domain name independent of the Complainant's business within the meaning of the Policy.

Given the circumstances and evidence produced in the case, the Panel finds that the disputed domain name was held and used by the Respondent, as founder and former director of the Complainant, in connection with and for the benefit of the Complainant's business. The Respondent subsequently sold the entire issued share capital of the Complainant to Phaion AG and has provided no explanation as to any independent right or legitimate interest he may retain in the disputed domain name. In this respect, the Panel finds the circumstances of this case analogous to those in *eProfiler Solutions Ltd. v. David Lane*, WIPO Case No. [D2025-4820](#), where the panel found that the disputed domain name "was registered, and has at all material times been used, for the sole benefit of the Complainant". In this Panel's view, there are no grounds on which the Respondent could claim rights or legitimate interests in maintaining in his own name an asset exclusively associated with the Complainant's business and used not only to host its official website, but also in connection with the Complainant's email addresses.

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 the Complainant must establish that the disputed domain name was both registered and used in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

The disputed domain name was originally registered on August 11, 2000. As seen above, the Complainant was incorporated on July 16, 2020, by the Respondent who acquired the disputed domain name at an unknown date. The earliest historical WHOIS record in evidence identifying the Respondent as registrant is dated April 13, 2022, although that record itself reflects an earlier update date. The evidence therefore establishes that the Respondent had become the registrant by that time, but does not establish precisely when, how, or under what circumstances that occurred.

The Panel accepts that the disputed domain name was subsequently used in connection with the Complainant's business, including in connection with its official website and email addresses, and further notes the Complainant's contention that the Respondent held the disputed domain name in a fiduciary capacity for the Complainant and later used his control over it as leverage in the wider dispute between the Parties.

Those circumstances are relevant to the question of bad faith use. They do not, however, by themselves establish that the Respondent acted in bad faith at the time he became the registrant of the disputed domain name. Therefore, the Complainant has not established bad faith at the time of the acquisition of the disputed domain name, notwithstanding that the record raises serious questions as to the Respondent's continued retention in his own name of a domain name used as an essential part of the Complainant's business after he had sold his entire shareholding in the Complainant to Phaion AG. Those questions, however, do not establish bad faith at the time of registration and need not be determined by the Panel for the purposes of paragraph 4(a)(iii) of the Policy.

In particular, the record contains no contemporaneous evidence showing that, when the Respondent became the registrant, he intended to appropriate the disputed domain name for his own benefit, to prevent the Complainant from reflecting its mark in a corresponding domain name, to disrupt the Complainant's business, or otherwise to exploit the registration in bad faith. Nor does the record establish that the Respondent's registration of the disputed domain name in his own name was, at that time, contrary to any express corporate policy, instruction, or informed understanding between the Parties.

The Panel considers *eProfiler Solutions Ltd. v. David Lane*, WIPO Case No. [D2025-4820](#), distinguishable in this respect. In that case, the contemporaneous circumstances surrounding the registration supported a finding that the respondent had registered the domain name in his own name while acting for the company and without its informed consent. On the present record, the Panel does not have equivalent evidence concerning the Respondent's intention at the material time.

Accordingly, while the Panel has serious concerns regarding the Respondent's subsequent conduct, the Complainant has not established, on the balance of probabilities, that the disputed domain name was registered in bad faith.

The Panel therefore finds that the Complainant has failed to establish the third element of paragraph 4(a) of the Policy.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: October 9, 2026