

ADMINISTRATIVE PANEL DECISION

Souza Cruz Ltda v. Frank Gomes

Case No. D2026-3796

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 <wwwsouzacruz.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 25, 2026. On August 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 27, 2026, 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 September 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 25, 2026.

The Center appointed Rodrigo Azevedo as the sole panelist in this matter on September 30, 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 Souza Cruz Ltda is a member of the British American Tobacco group of companies, and is one of the largest tobacco companies in Brazil.

The Complainant owns a broad portfolio of trademark registrations for SOUZA CRUZ before the Brazilian National Institute of Industrial Property (INPI), including Registration No. 800139151, registered on November 30, 1982; Registration No. 800135369, registered on December 7, 1982; Registration No. 909996881, registered on January 16, 2018; and Registration No. 909996792, registered on July 10, 2018.

The disputed domain name <wwwsouzacruz.com> was registered on September 23, 2025.

The disputed domain name is not currently linked to any active website. However, the Complainant brought evidence that until shortly before the filing of the Complaint the disputed domain name resolved to a website that reproduced, in near-identical form, the Complainant's retailer portal, including the logos of Complainant's products and requiring visitors to provide personal data to log in, including "CPF" and "CNPJ" numbers (Brazil's individual and corporate taxpayer registration numbers).

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:

(i) The disputed domain name is identical or confusingly similar to the Complainant's trademark. The Complainant asserts longstanding registered rights in the SOUZA CRUZ mark, the oldest example mark predating the registration of the disputed domain name by more than 42 years. The disputed domain name incorporates the SOUZA CRUZ mark in its entirety, differing only by the addition of the letters "www" placed directly before the mark, without a separating period, a technique calculated to exploit Internet users who omit or mistype the period following "www" and which, far from dispelling confusion, increases it. The generic Top-Level Domain ("gTLD") ".com" is to be disregarded.

(ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not licensed or authorized the Respondent to use the SOUZA CRUZ mark, and the Respondent is not commonly known by the disputed domain name, holds no corresponding trademark, and has never traded legitimately under the name SOUZA CRUZ. The composition of the disputed domain name carries a risk of implied affiliation, since the addition of "www" is calculated to suggest that the disputed domain name is itself the Complainant's own web address. Moreover, the disputed domain name was used to host a website impersonating the Complainant's genuine retailer portal in order to collect visitors' CPF and CNPJ data, which cannot constitute a bona fide offering of goods or services and can never confer rights or legitimate interests.

(iii) The disputed domain name was registered and is being used in bad faith. The Complainant contends that the disputed domain name creates initial interest confusion and that the Respondent used it to intentionally mislead Internet users into believing that its website was the Complainant's own retailer portal, or affiliated with or endorsed by the Complainant, in order to collect personal and business identifying information. The Complainant relies on the nature of the disputed domain name as a typosquatting registration mimicking the Complainant's own web address, on the Respondent's knowledge of the Complainant's well-known mark (reinforced by the reproduction of the Complainant's branding), and on the Respondent's pattern of conduct in registering multiple domain names targeting the SOUZA CRUZ mark, including <souzacruzvaregista.com>.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, a complainant shall prove the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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 Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, having demonstrated registered rights in the SOUZA CRUZ mark before the INPI dating back to 1982. [WIPO Overview 3.1](#), section 1.2.1.

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

Although the addition of other terms, here the letters "www" placed directly before the mark without a separating period, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 also well established that the gTLD ".com" is viewed as a standard registration requirement and may be disregarded. [WIPO Overview 3.1](#), section 1.11.1.

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 Complainant has not licensed nor authorized the use of its well-known trademark to the Respondent, and the Panel finds no indication that the Respondent is commonly known by the disputed domain name. The Panel further notes that the disputed domain name, composed of the Complainant's mark preceded by the letters "www", carries a risk of implied affiliation with the Complainant that cannot constitute fair use, since it is calculated to suggest that the disputed domain name is the Complainant's own web address. [WIPO Overview 3.1](#), section 2.5.1.

Moreover, the disputed domain name was used to host a website that reproduced the Complainant's logotypes, color scheme, layout, login panel, and brand carousel, impersonating the Complainant's genuine retailer portal in order to solicit visitors' CPF and CNPJ data. Panels have held that the use of a domain name for illegal activity, here impersonation/passing off and the fraudulent collection of personal and business identifying information, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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.

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 Panel concludes that it is not feasible that the Respondent was unaware of the Complainant's trademark when it registered the disputed domain name. The SOUZA CRUZ mark is well known in Brazil, where the Respondent is located, and was registered decades before the disputed domain name, the oldest cited registration predating it by more than 42 years.

The disputed domain name reproduces the SOUZA CRUZ mark in its entirety, preceded only by the letters "www" in a recognized typosquatting technique that mimics the Complainant's own web address, and the website at the disputed domain name reproduced the Complainant's retailer portal, which leaves no doubt that the Respondent deliberately targeted the Complainant and its mark.

The Respondent used the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website, within the meaning of paragraph 4(b)(iv) of the Policy.

The website impersonated the Complainant's genuine retailer portal and solicited visitors' CPF and CNPJ numbers, creating a serious risk of credential harvesting, phishing, or other fraudulent misuse. Panels have held that the use of a domain name for illegal activity such as impersonation/passing off or other types of fraud constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

The Panel further notes that the disputed domain name is not an isolated registration. The same Respondent registered <souzacruzvaregista.com> a few days later, a domain name which likewise incorporated the Complainant's SOUZA CRUZ mark and was the subject of a successful UDRP complaint (*Souza Cruz Ltda v. Frank Gomes*, WIPO Case No. [D2026-0879](#)). This course of conduct constitutes a further, independent indicator of bad faith registration and use.

The fact that the disputed domain name no longer resolves to the infringing website, following the Complainant's abuse reports to the Registrar and to Cloudflare, does not dispel the Respondent's bad faith, which is established by its prior active use of the disputed domain name and by the totality of the circumstances. Finally, the absence of any response or justification from the Respondent further supports a finding of bad faith in the present case.

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 <wwwsouzacruz.com> be transferred to the Complainant.

/Rodrigo Azevedo/

Rodrigo Azevedo

Sole Panelist

Date: October 14, 2026