

ADMINISTRATIVE PANEL DECISION

Opice Blum Academy Treinamento e Consultoria Ltda v. Zsolt Bikadi
Case No. D2023-2311

1. The Parties

Complainant is Opice Blum Academy Treinamento e Consultoria Ltda, Brazil, represented by Bruno Blum Fonseca, Brazil.

Respondent is Zsolt Bikadi, Hungary.

2. The Domain Name and Registrar

The disputed domain name <opiceblumacademy.com> (the “Domain Name”) is registered with Domain Science Kutatasi Szolgáltato Korlatolt Felelossegu Tarsasag (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 27, 2023. On May 30, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 31, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domain Science Kutatasi Szolgáltato Korlatolt Felelossegu Tarsasag) and contact information in the Complaint. The Center sent an email to Complainant on June 8, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on June 12, 2023.

The Center verified that the Complaint together with the amendment to 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 Respondent of the Complaint, and the proceedings commenced on August 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 29, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 30, 2023.

The Center appointed Robert A. Badgley as the sole panelist in this matter on September 14, 2023. 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

Complainant is related to the Brazilian law firm Opice Blum, Bruno e Vainzof (“OBBV”). According to Complainant, the OBBV firm is “one of the most important Brazilian law firms in the digital law market”. Complainant states that it was created in 2001 to “develop the educational market related to digital law”.

Complainant holds a Brazilian registered trademark for PRIVACY CLUB BY OPICE BLUM ACADEMY, Reg. No. 917929489, registered on April 7, 2020 in connection with, among other things, “teaching, education, instruction, entertainment, organization and presentation of conferences, training, consultancy, on line electronic publications...”

Complainant also has owned the domain name <opiceblumacademy.com.br> since March 2018, and it uses that domain name to host a website featuring Complainant’s “educational services”.

Complainant states that it previously owned the Domain Name, but inadvertently let the registration lapse on December 4, 2022.

Respondent registered the Domain Name on March 24, 2023. For a time, the Domain Name resolved to a parking page featuring hyperlinks including “Lawyers”, “Virtual Office”, and “Office”. Complainant alleges, and provides screenshot evidence in support, that when one clicks these links, one is directed to the websites of other lawyers or law firms not affiliated with OBBV.

After the Complaint in this proceeding was filed, the Domain Name resolved to an error page.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel concludes that Complainant has rights in the trademark PRIVACY CLUB BY OPICE BLUM

ACADEMY through registration demonstrated in the record. The Panel also concludes that the Domain Name is confusingly similar to that mark. The omission of the words “privacy club by” does not prevent the mark from being recognizable within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in connection with the Domain Name. Respondent has not come forward to articulate any *bona fide* reason for registering the Domain Name.

Given the distinctive nature of Complainant’s mark, including the fact that “Opice Blum” is not a term which has any meaning other than as a reference to Complainant or the related OBBV law firm, the inescapable conclusion is that Respondent targeted Complainant and its mark. Respondent’s website featured hyperlinks which relate to Complainant’s business (and the business of the related OBBV firm), and those links lead to the websites of other lawyers and law firms not affiliated with OBBV. Such a use of the Domain Name is clearly illegitimate.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the “Rights or Legitimate Interests” section. On this record,

the Panel finds it clear that Respondent targeted Complainant's mark when registering the Domain Name, and used the Domain Name to derive pay-per-click revenue through misleading hyperlinks. This constitutes bad faith registration and use within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <opiceblumacademy.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: September 22, 2023