

ADMINISTRATIVE PANEL DECISION

Webcor Nextra, Naamloze vennootschap v. Andre Das Neves (Webcor Group - Geneva), webcorgroups
Case No. D2024-1084

1. The Parties

The Complainant is Webcor Nextra, Naamloze vennootschap, Belgium, represented by Gevers Legal NV, Belgium.

The Respondent is Andre Das Neves (Webcor Group - Geneva), webcorgroups, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <webcorgroups.com> ("Disputed Domain Name") is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 12, 2024. On March 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 12, 2024, 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 (CONTACT PRIVACY INC. CUSTOMER 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 2024, 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 March 18, 2024.



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 March 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 9, 2024.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on April 16, 2024. 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 global agro-industrial food production and distribution company, specialising in the trading of soft commodities and fast-moving consumer goods mostly in Africa and Europe over the past 40 years. The Complainant employs over 4,000 people internationally.

The Complainant and a Swiss subsidiary under the same group own several trademark registrations for or containing the WEBCOR mark in various jurisdictions, including, inter alia, European Union ("EU") Trademark Registration No. 018813457 for "" registered on May 9, 2023, in Classes 29, 30, 32, 35, 39 and 40 (the "Complainant's Trademark"); and Swiss Trademark Registration No. P-533471 for "" registered on May 12, 2005, in Classes 19, 22, 29, 30, 31, 32, 35, 36 and 39.

The Complainant's Trademark is fully incorporated in the domain name <webcorgroup.com>, which resolves to the Complainant's website.

The Disputed Domain Name was registered on January 29, 2024. At the time of filing of the Complaint, the Disputed Domain Name resolved a page displaying a warning of "dangerous site", and was purportedly linked to fraudulent email scheme. At the time of the decision, the Disputed Domain Name resolved to an inactive website. The Respondent appears to be an individual residing in the US based on the information provided by the Registrar.

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 the following:

(a) The Disputed Domain Name is confusingly similar to the Complainant's Trademark as it incorporates the Complainant's Trademark in its entirety, save for the additional character "s" after the string "webcorgroup";

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent does not own any trademark rights over "WEBCOR GROUPS" and is not commonly known by the same. The Respondent has not obtained any consent from the Complainant to use the Complainant's Trademark as part of a domain name or otherwise. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Disputed Domain Name in connection with a bona fide offering of goods and services. Rather, the Respondent has used an email address linked to the Disputed Domain Name to impersonate the Complainant and demand payment from its commercial business partners and customers

for fraudulent invoices. In these emails, the Respondent has also misappropriated the address and telephone number of the Complainant's affiliate; and

(c) The Complainant's extensive use of the Complainant's Trademark indicates that the Respondent should have come across the Complainant's Trademark prior to registering the Disputed Domain Name. The Disputed Domain Name was registered for the purpose of impersonating the Complainant and swindling the Complainant's business partners and customers into paying to a bank account owned by the Respondent.

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Complainant's Trademark is reproduced within the Disputed Domain Name. Whilst the Complainant's Trademark contains a figurative element, such element is incapable of representation in domain names and thus can be disregarded. [WIPO Overview 3.0](#), section 1.10. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the letter "s" to the Complainant Trademark may bear on the assessment of the second and third elements, the Panel finds the addition of such letter does not prevent a finding of confusing similarity between the Disputed Domain Name and the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 the Disputed Domain Name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognised that proving 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 3.0](#), 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 Respondent's failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

The Respondent would likely not have adopted the Complainant's Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from, the Complainant. This is especially the case when the Respondent used the Disputed Domain Name to impersonate the Complainant to perpetrate fraud against its business partners and customers.

There is no evidence to suggest that the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name, is in connection with a bona fide offering of goods or services or be regarded as legitimate non-commercial or fair use.

Panels have held that the use of a domain name for illegal activity, such as phishing, impersonation and fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), 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.

In the present case, the Panel notes that it is difficult to conceive of any plausible use of the Disputed Domain Name that would amount to good faith use, given that the Respondent has used it to perpetrate fraud against the Complainant's business partners and customers. The Respondent must have been fully aware of the existence of the Complainant's rights in the Complainant's Trademark when the Respondent registered and used the Disputed Domain Name. As discussed above, the Respondent lacks any rights or legitimate interests in the Disputed Domain Name (see *Washington Mutual, Inc. v. Ashley Khong*, WIPO Case No. [D2005-0740](#)). Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of its actual or contemplated good faith use of the Disputed Domain Name.

Panels have held that the use of a domain name for illegal activity, such as phishing, impersonation and/or fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

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 <webcorgroups.com> be transferred to the Complainant.

/Gabriela Kennedy/
Gabriela Kennedy
Sole Panelist
Date: April 30, 2024