

ADMINISTRATIVE PANEL DECISION

BANCO BRADESCO S/A v. Vladimir Ivanov

Case No. D2024-1923

1. The Parties

The Complainant is BANCO BRADESCO S/A, Brazil, represented by Pinheiro, Nunes, Arnaud & Scatamburlo S/C, Brazil.

The Respondent is Vladimir Ivanov, Kosovo¹.

2. The Domain Name and Registrar

The disputed domain name <bspempreendimentos.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 7, 2024. On May 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 8, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 16, 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 May 16, 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 May 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 24, 2024.

¹ The reference to Kosovo should be understood to be in the context of the United Nations Security Council resolution 1244 (1999).

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on July 1, 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 following facts are undisputed.

The Complainant was founded under the name Banco Brasileiro de Descontos in 1943. It is one of the largest financial groups in Brazil. One of its group companies is BSP Empreendimentos, which is one of the main commercial real estate management companies in Brazil, working with management, rental and acquisition of corporate properties, aiming at real estate development in the main regions of Brazil. Its portfolio includes more than 900 properties. BSP Empreendimentos was founded in 2011, having earned more than USD 128 million.

The Complainant is the owner of various trademark registrations, including a registration for the word mark BSP EMPREENDIMENTOS IMOBILIÁRIOS, registered on May 3, 2016, with registration number 904172830 for various services in class 36.

The Complainant is also owner of the domain name <bspempreendimentos.com.br> which is used for the official website of its group company.

The disputed domain name was registered on July 24, 2022. At the time of filing the Complaint, the disputed domain name resolved to a webpage mentioning that the disputed domain name is for sale and included pornographic images.

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 its trademark is well-known, and that the Respondent does not have any rights, nor has been given any license to use the trademark.

Furthermore, the Complainant contends that the Respondent seems to have no legitimate interest in the domain name, since on the webpage there is clearly no relationship between the pornographic images and the word "empreendimentos" in Portuguese (enterprises, in the English language). The Complainant believes that the use of pornographic images on the webpage to which the disputed domain name resolves is a way used by the Respondent put pressure on the Complainant to solve the matter in the quickest way, e.g. by buying the domain name from the Respondent. The disputed domain name also differs from the domain name used for the official website by only the Top-Level Domain ".br".

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 Panel finds the mark is sufficiently recognizable within the disputed domain name, even though the element "imobiliários" (real estate) is not included in the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 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 offering for sale of the disputed domain name combined with pornographic images, would not be considered as a legitimate interest.

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 on a balance of probabilities and lacking a Response, the Respondent must have registered the disputed domain name for the purpose of selling it to the Complainant

at a profit; or for the purpose of intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

The Panel considers that 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 3.0](#), section 3.2.1. In this particular case, having reviewed the available record, the Panel notes that the webpage to which the disputed domain name resolves, which offers the disputed domain name for sale in combination with pornographic images, is clearly use in bad faith and underpins the bad faith intentions of the Respondent when registering the disputed domain name.

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 <bspempreendimentos.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: July 15, 2024