

ADMINISTRATIVE PANEL DECISION

Petróleo Brasileiro S.A. Petrobrás v. Repossessed by Go Daddy
Case No. D2024-3127

1. The Parties

The Complainant is Petróleo Brasileiro S.A. - Petrobrás, Brazil, represented by Siqueira Castro Advogados, Brazil.

The Respondent is Repossessed by Go Daddy, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <petrobrasw.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 30, 2024. On July 31, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 1, 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 (GoDaddy Operating Company, LLC) and contact information in the Complaint. On August 7, 2024, the Center sent an email informing the Complainant that the Registrar had informed the Center that the disputed domain name may be available for registration, as the Registrar had indicated, among other information, that: “The only available option is to hand over the domain to the Complainant via an approved settlement”. On the same day, the Complainant advised the Center that it was “not interested in an approved settlement and wish to proceed with the arbitration process.” The Center sent an email communication to the Complainant on October 8, 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 October 9, 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 October 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 31, 2024. The Respondent did not submit any response.

Accordingly, the Center notified the Respondent's default on November 1, 2024.

The Center appointed Edoardo Fano as the sole panelist in this matter on November 6, 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.

The Panel has not received any requests from the Complainant or the Respondent regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is Petróleo Brasileiro S.A. - Petrobrás, a Brazilian company operating worldwide in the field of energy, exploration, production, refining, marketing, and transportation of oil, natural gas, and derivatives, and owning several trademark registrations for PETROBRAS, among which the following ones:

- Brazilian Registration No. 003676935 for PETROBRAS, registered on February 1, 1978;
- Brazilian Registration No. 004101260 for PETROBRAS, registered on December 3, 1971; and
- United States Registration No. 3676471 for PETROBRAS, registered on September 1, 2009.

The Complainant also operates on the Internet, being "www.petrobras.com" and "www.petrobras.com.br" its main websites.

The Complainant provided evidence in support of the above.

According to the Whois records, the disputed domain name was registered on May 28, 2024, and it is currently inactive. However, when the Complaint was filed, the disputed domain name resolved to a website that appeared to involve casino and online betting activities, as well as a login portal seeking personal login details.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a cancellation of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

However, section 4.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") provides that:

"Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the 'standard settlement process' described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis)."

The Panel finds that this is an appropriate case to rely on a stated consent (here by the Registered Name Holder) to order a cancellation of the disputed domain name. In addition, the Panel finds that there is no doubt that the Complainant owns valid and existing trademark rights in the mark, that the disputed domain name is confusingly similar to the mark, and that the Respondent has no rights or legitimate interests in the disputed domain name. The evidence also shows that the unidentified registrant from whom the Registrar repossessed the disputed domain name was using the latter to attract, for commercial gain, Internet users to the website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, and the Registered Name Holder's express consent, the Panel orders that the disputed domain name, <petrobrasw.com>, be cancelled.

/Edoardo Fano/

Edoardo Fano

Sole Panelist

Date: November 12, 2024