

ADMINISTRATIVE PANEL DECISION

Timbro Trading S/A. v. yess mann, arrastay
Case No. D2025-4277

1. The Parties

The Complainant is Timbro Trading S/A., Brazil, represented by Salusse, Marangoni, Parente e Jabur Advogados, Brazil.

The Respondent is yess mann, arrastay, United States of America.

2. The Domain Name and Registrar

The disputed domain name <timbrotrading.cam> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 18, 2025. On October 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 20, 2025, 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 (Registration Private, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 24, 2025, 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 amendment to the Complaint on October 29, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on October 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 27, 2025.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on December 2, 2025. 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, a Brazilian company, was founded in 2010 and has used the TIMBRO registered trademark since then, in connection with the trading and import-export of goods from and into Brazil. The Complainant is also engaged in the export of Brazilian agricultural commodities and metals on a large scale.

The Complainant is the owner of relevant trademark registrations including Brazilian trademark registration No. 903115018 for the word mark TIMBRO, filed on November 11, 2010 and registered on April 15, 2014 in class 35; and Brazilian trademark registration No. 907378471 for the word and device mark TIMBRO, filed on February 26, 2014, and registered on November 16, 2016, in class 35.

In addition, the Complainant has registered (on August 12, 2010) and operates a website at the domain name <timbrotrading.com>.

The disputed domain name was registered on February 24, 2025, and does not resolve to an active website.

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 the only difference between the disputed domain name and the Complainant's prior domain name and trademark registrations is the generic Top-Level Domain ("gTLD") ".com" in the official domain name of the Complainant and ".cam" in the disputed domain name. The Complainant therefore contends that it is clear that the disputed domain name consists of an intentional reproduction of the Complainant's trademark and prior trade name and domain name and thus is confusingly similar. The Complainant contends that Internet users will immediately associate the disputed domain name with the Complainant's prior trademark, trade name, and domain name, believing that they relate to the same company, and that either the communications or the products/services that might be eventually offered by the Respondent under the disputed domain name originate from the same source – which, the Complainant points out, is not the case given the Respondent's undue registrations.

The Complainant adds that the Respondent has no rights or legitimate interests in the disputed domain name, given that the Respondent is not entitled to any trademark, trade name or any other right relevant to the disputed domain name. The Complainant asserts also that it has not authorized the Respondent to use the TIMBRO trademark and there is no business relationship between the Complainant and the Respondent. The Complainant asserts that the disputed domain name is being passively held but has active mail servers associated with it, which it says are likely used in connection with a fraudulent message scheme of which the Complainant has been the target.

The Complainant asserts that the Respondent does not have any relation with the TIMBRO element of the disputed domain name, in so far as it is not included in its name, nor does it correspond to its name, surname or nickname. The Complainant says that the Respondent is not known by this name, nor has it sought an authorization or license to use the TIMBRO trademark, or variations thereof. The Complainant adds that the Respondent also does not own any trademark registration or application regarding the expression "timbro", or any other application or registration whatsoever in Brazil or other countries.

Additionally, if the Respondent was not actually aware of the Complainant's rights, then, according to the Complainant, it did not fulfill its responsibility as specified in the Policy. The Complainant adds that it may be inferred that the disputed domain name was intentionally registered with the purpose of either (i) later being offered to the Complainant, or (ii) profiting from the renown of the TIMBRO trademark and trade name, creating a likelihood of confusion amongst Internet users and insinuating that the disputed domain name belongs to the Complainant.

The Complainant adds that the Respondent chose to use a privacy service and also configured MX records, which it says have likely been used in connection with a fraudulent scheme aimed at impersonating the Complainant and defrauding both the Complainant and its customers. In relation to the details disclosed by the Registrar concerning the Respondent's underlying identity, the Complainant adds that the Respondent's identification as "yes[s] mann" does not correspond to any identifiable natural person or legal entity and therefore cannot hold any trademark rights related to the disputed domain name. The Complainant adds that a search combining the Respondent's name with the disputed domain name returns results directing to websites and content directly associated with the Complainant's official webpages, further demonstrating the Respondent's intentional association and the resulting likelihood of confusion.

Further the Complainant stresses that the Respondent's organization indicated ("arrastay") does not appear to exist as a registered company or trade name in any publicly available records; the contact email provided ([...].@gmail.com) is a personal, non-corporate email address, which suggests the absence of any legitimate business activity related to the disputed domain name; and the physical address disclosed does not correspond to any exact location.

The Complainant concludes that the combination of fictitious or unverifiable registrant details and the use of a privacy protection service suggests an intention on the part of the Respondent to conceal its identity and avoid accountability, which reinforces the Respondent's bad faith in registering and using the disputed domain name.

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 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 3.0](#), 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 Respondent has additionally provided what appears to be false identification information (the courier service was not able to deliver the Written Notice), which further indicates the absence of any rights or legitimate interests.

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 the Respondent has registered the disputed domain name that is in all relevant respects confusingly similar to the TIMBRO trademark of the Complainant. That trademark is distinctive and has been used in Brazil for more than a decade by the latter. A simple online or trademark search by the Respondent at the time of registration would have revealed the existence of the Complainant and its exclusive trademark rights. Furthermore, the disputed domain name is almost identical to the Complainant’s domain name <timbrotrading.com>. This shows an intent to mimic the Complainant’s domain name. As such, the Panel finds that the disputed domain name was registered in bad faith.

Additionally, the Respondent has provided what appears to be false identification information when registering the disputed domain name. The Respondent has not used the disputed domain name in the sense of establishing any website to which it resolves. Considering the composition of the disputed domain name, and the distinctiveness or reputation of the Complainant’s trademark, it is in any case difficult to imagine that it could do so in a manner that is not deceptive. The Respondent has also configured MX records which provides it with the means to engage in potential phishing activities. Taking into account these factors, the Panel finds that passive holding of the disputed domain name does not prevent a finding of bad faith under the circumstances of this case. [WIPO Overview 3.0](#), section 3.3.

Therefore, the Panel finds that the disputed domain name was registered and being used in bad faith.

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 <timbrotrading.cam> be transferred to the Complainant

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: December 16, 2025.