

## **ADMINISTRATIVE PANEL DECISION**

**AGFA-GEVAERT N.V. v. Juan Carlos Caceres medina**  
**Case No. D2025-3368**

### **1. The Parties**

The Complainant is AGFA-GEVAERT N.V., Belgium, represented by Novagraaf Belgium NV/SA, Belgium.

The Respondent is Juan Carlos Caceres medina, Colombia.

### **2. The Domain Name and Registrar**

The disputed domain name <agfacolombia.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 August 21, 2025. On August 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 25, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 26, 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 amended Complaint on August 29, 2025.

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 September 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 24, 2025.

The Center appointed Miguel B. O’Farrell as the sole panelist in this matter on September 26, 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, AGFA-GEAVERT N.V, Belgium, is active in the photographic sector, medical imaging and medical software sector since many years and enjoys a worldwide reputation. It was formerly well known as a major player in the photography sector, namely as a manufacturer of cameras and film. The Complainant has activities all over the world including in Colombia.

The Complainant owns several trademark registrations for or including AGFA in many jurisdictions, including the following.

United States Trademark Registration No. 5614399 AGFA AGFA HEALTHCARE, registered on November 27, 2018, in classes 9, 10 and 42;

United Kingdom Trademark Registration No. UK00915553662 AGFA AGFA, registered on January 6, 2017, in class 9;

European Union Trademark Registration No. 15553662 AGFA AGFA, registered on January 6, 2017, in class 9;

International Trademark Registration No. 608334 AGFA, registered on September 25, 1993, in classes 1, 7, 9, 10, 16, 37 and 40;

Colombian Trademark Registration No. 573352 AGFA, registered on July 24, 2017, in classes 1, 7, 9, 10 and 40.

Also, the Complainant owns various domain name registrations containing the term "AGFA".

The disputed domain name was registered on May 1, 2025, and is used for selling Agfa appliances.

#### **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 customers and other Internet users encountering the disputed domain name, whether directly or through search engine results, would reasonably assume that it is operated by, affiliated with, or endorsed by the Complainant. Consequently, the Complainant asserts that the disputed domain name is inherently confusing and that its registration creates a presumption of bad faith on the part of the Respondent.

The Complainant requests the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

##### **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 recognizable 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.

Although the addition of other terms here, "Colombia" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark 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 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 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.

The Panel is satisfied that the Respondent must have been aware of the Complainant's name and trademark AGFA when it registered the disputed domain name on May 1, 2025.

In accordance with section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant's AGFA trademark with the word "colombia" in the disputed domain name strengthens the possible confusion of Internet consumers between the disputed domain name and the Complainant's trademark, as it very likely leads them to think that the website to which it resolves belongs to or is sponsored by the Complainant, which is not the case.

The Panel finds on the balance of probabilities that the Respondent, when registering the disputed domain name, has targeted the Complainant's business and its trademark AGFA with the intention to confuse Internet users and capitalize on the fame of the Complainant's trademark for its own monetary benefit.

The fact that there is an absence of rights or legitimate interests coupled with no explanation for the Respondent's choice of the disputed domain name are also significant factors to consider that the disputed domain name was registered in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

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.

Currently the disputed domain name resolves to a webpage that announces "Consumibles AGFA – Compre aquí" (in English "AGFA Consumer products – Buy here") which suggests bad faith use of the disputed domain name. The Panel notes that the previous use as evidenced by the Complainant (Annex 7) may be considered as the Respondent attempting to impersonate the Complainant.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: impersonation/passing off, or other types of 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 <agfacolombia.com> be transferred to the Complainant.

*/Miguel B. O'Farrell/*

**Miguel B. O'Farrell**

Sole Panelist

Date: October 1, 2025