

## ADMINISTRATIVE PANEL DECISION

Bancolombia S.A. v. Weiping Zheng

Case No. D2025-4681

### 1. The Parties

The Complainant is Bancolombia S.A., Colombia, represented by Baker & McKenzie S.A.S., Colombia.

The Respondent is Weiping Zheng, China.

### 2. The Domain Name and Registrar

The disputed domain name <zaswin.com> is registered with Spaceship, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 11, 2025. On November 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 14, 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 (Redacted for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 14, 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 November 19, 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 November 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 14, 2025.

The Center received an unsolicited supplemental filing from the Complainant on December 5, 2025, informing about the registration of a trademark after the filing date of the Complaint. The Center acknowledged receipt of the supplemental filing on December 8, 2025.

The Response was filed with the Center on December 14, 2025.

On December 22, 2025, the Center received another unsolicited supplemental filing from the Complainant, providing comments on the Respondent's filed Response of December 14, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on December 23, 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.

On December 25, 2025, the Center received a supplemental filing from the Respondent in reply to the Complainant's supplemental filing of December 22, 2025. The Center acknowledged receipt of the supplemental filing and forwarded it to the Panel for its consideration.

On December 31, 2025, the Center received a further supplemental filing from the Respondent mainly referring to a recent UDRP decision of the Czech Arbitration Court, which the Respondent considers supportive of its position.

#### **4. Factual Background**

The Complainant is a Colombian financial institution active in the field of banking and financial services.

The Complainant is the owner of the Colombian Trademark Registration No.798506, filed on November 20, 2024 and registered on November 28, 2025, for ZASWIN, covering protection for various services in classes 35 and 36. The Complainant has also filed two applications Nos. 99035566 and 99035466 for trademark protection in the United States of America ("United States") on February 10, 2025 for "ZASWIN" as a word and a figurative trademark. According to the Register of the United States Patent and Trademark Office ("USPTO"), these applications have been published on May 27 and August 26, 2025, but have as of the date of this Decision not yet proceeded to registration.

The Respondent is reportedly located in China.

The disputed domain name was created on February 10, 2025 and according to the Respondent, acquired by it "on or around June 23, 2025".

Based on information and screenshots provided by the Complainant, the disputed domain name resolves to the website of a sales platform, where the disputed domain name is offered for sale. Initially, the disputed domain name was offered for sale to a price of USD 260.00, while at some point of time the indicated price tag increased to USD 59,999.00. At the time of this Decision, the disputed domain name is offered for sale without a specific price tag.

#### **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 particularly argues a "classic case of targeting nascent rights" in light of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 3.8.2., noting that the disputed domain name was registered the same day the Complainant filed its trademark application in the United States.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Among other arguments, the Respondent emphasizes that the Complainant did not hold any registered trademark rights at the time of filing the Complaint. The Respondent, who asserts that it is engaged in the business of registering domain names, particularly argues that the disputed domain name was legitimately registered on a first-come, first-served basis. In this regard, the Respondent states that it had no knowledge of the Complainant at the time of registration of the disputed domain name and therefore did not seek to target the Complainant.

In light of the above, the Respondent requests a finding of Reverse Domain Name Hijacking (“RDNH”), arguing that the Complainant knew or should have known that it could not succeed under the Policy, in particular given the absence of trademark rights both at the time of registration of the disputed domain name and at the time of filing the Complaint, and that the Complaint was therefore brought in bad faith.

## **6. Discussion and Findings**

### **6.1. Supplemental Filings**

The Panel notes that the Center received supplement filings from both, the Complainant and the Respondent.

The Panel follows the reasoning of the panel in *Viz Communications, Inc. v. Redsun dba www.animerica.com and David Penava*, WIPO Case No. [D2000-0905](#), that it is appropriate to consider the circumstances of each case before deciding whether or not to admit additional or late-filed submissions.

In this case, the Panel notes that the Complainant's first supplemental filing, submitted on December 5, 2025, contains information regarding its ZASWIN trademark registration in Colombia, which was not available to the Complainant at the time the Complaint was filed on November 11, 2025, as the registration was only effected on November 28, 2025.

The Panel accepts the Complainant's first supplemental filing, as it relates to potentially relevant circumstances that arose after the filing of the Complaint and could not have been submitted earlier. This is further justified by the fact that the Respondent, in its Response of December 14, 2025, had sufficient opportunity to address both the Complaint and the Complainant's supplemental filing.

The Panel notes that the Complainant submitted a second supplemental filing on December 22, 2025, in reply to the Response filed by the Respondent, which in turn prompted an additional submission by the Respondent on December 25, 2025, followed by a further supplemental filing on December 31, 2025.

In view of its discretion to determine the admissibility of supplemental submissions, the Panel declines to admit these further supplemental filings. The Panel considers that the admission of these submissions would risk an undue prolongation of the proceedings and encourage a “ping-pong” exchange of filings between the Parties, which is inconsistent with the streamlined nature of UDRP proceedings. Moreover, the Panel notes that the content of these further submissions consists, in essence, of responses to arguments raised by the other Party, rather than the introduction of new facts or exceptional circumstances warranting their admission. In light of the above, the Panel is not convinced that the circumstances of this case justify a departure from this general principle.

## 6.2. Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

It is noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently with the consensus views captured therein.

### 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.

In the present case, the Complainant has not asserted any unregistered or common law trademark rights. Accordingly, the Panel's assessment under the first element is limited to the existence of registered trademark rights. At the time the Complaint was filed, the Complainant did not hold any registered ZASWIN trademarks, but only pending trademark applications in Colombia and the United States. As a general principle, trademark rights relied upon under the Policy must exist at the time the Complaint is filed. [WIPO Overview 3.0](#), section 1.1.4.

However, the Complainant has demonstrated that, at an early stage of the present proceedings, its Colombian trademark application for ZASWIN proceeded to registration. In such exceptional circumstance, the Panel considers that declining to consider the meanwhile obtained trademark registration would elevate form over substance and be contrary to considerations of procedural efficiency, as it would merely require the Complainant to refile a substantially identical complaint.

The Panel therefore takes the view that the Complainant has shown rights in respect of the meanwhile registered ZASWIN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ZASWIN mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the ZASWIN 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.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name and that the Respondent has never been authorized or licensed to use the Complainant’s ZASWIN trademark. The Complainant also argues that the disputed domain name was registered the same day the Complainant filed its trademark application in the United States.

The Respondent, by contrast, submits that domain names are commonly registered on a first-come, first-served basis and argues that the registration and holding of the disputed domain name, including its offering for sale, constitutes a lawful and legitimate use, provided that no trademark targeting is involved. The Respondent further states that, at the time of registration of the disputed domain name, the Complainant did not hold any trademark rights corresponding to the disputed domain name.

It may be accepted that the Respondent was not authorized or licensed by the Complainant to use its meanwhile registered ZASWIN trademark. The Panel, however, has doubts as to whether this fact alone is sufficient to establish the absence of rights or legitimate interests in the circumstances of this case. In particular, the Panel notes that, at the time the disputed domain name was registered, the Complainant did not hold any registered trademark rights corresponding to the disputed domain name. The Panel therefore considers that it cannot be excluded that the Respondent’s registration of the disputed domain name may fall within the first-come, first-served principle underlying the domain name system, notwithstanding the Complainant’s subsequently acquired trademark rights, especially in circumstances where there is no clear indication of trademark targeting, as discussed further under the third element.

A definitive finding by the Panel on whether the Respondent has rights or legitimate interests in the disputed domain name can, however, be omitted in the present case. As set out below, the Panel finds that the Complaint must in any event fail under the third element of the Policy, as the Complainant has not established that the disputed domain name was registered and is being used in bad faith.

### **C. Registered and Used in Bad Faith**

The evidence in the case file as presented does not indicate that the Respondent’s aim in registering the disputed domain name was to profit from or exploit the Complainant’s ZASWIN trademark.

At the time of registration of the disputed domain name, the Complainant did not hold any registered ZASWIN trademark rights. While the Complainant refers to section 3.8.2 of the [WIPO Overview 3.0](#), the Panel is not convinced that the Complainant has provided adequate evidence to substantiate this argument.

The Panel particularly notes that the Complainant has not alleged or substantiated any prior publication of its Colombian trademark application, nor has it submitted any evidence of prior use of the mark ZASWIN of which the Respondent could have become aware prior to its registration of the disputed domain name. The absence of any evidence of use, reputation, or public exposure of the ZASWIN mark prior to the registration of the disputed domain name leaves it unclear whether the Respondent could have had any knowledge of the Complainant’s ZASWIN trademark applications or their prior use at the relevant time.

The Panel does not overlook the Complainant's principal argument that the disputed domain name was registered on the same date on which the Complainant filed its ZASWIN trademark applications in the United States. The Panel also notes the Respondent's claim that it acquired the disputed domain name from the initial registrant in June 2025. It is noted that this is after the Complainant's trademark application was published in the USPTO Official Gazette.

From what the Panel can ascertain, a trademark application may become discoverable in online databases shortly after filing, possibly within a few days. However, the Panel is not satisfied that such discoverability necessarily occurs already on the day of filing, nor has the Complainant specifically argued or substantiated this point. In any event, such database availability is distinct from the Official Gazette publication date, which occurs at the opposition stage, typically several months later. Accordingly, the Complainant's argument that the disputed domain name was registered on the same day as its trademark application would, if at all, relate to the conduct of the initial registrant rather than that of the Respondent. Notably, even in its supplemental submissions, the Complainant does not address the Respondent's claim that it acquired the disputed domain name from the initial registrant in June 2025.

In view of the Panel, the Complaint does not support a finding that the Respondent was, or could reasonably have been, aware of the Complainant's trademark applications at the time of registration of the disputed domain name. The Complainant has focused on the February 2025 registration date but has not explained how the Respondent could have obtained knowledge of the filing of the United States trademark applications. In particular, the Complaint does not include any information regarding the discoverability of such applications prior to their publication in the USPTO Official Gazette, nor does it identify any other circumstances from which such knowledge could reasonably be inferred. Instead, the Complainant merely implies knowledge on the same February 2025 date.

The Panel therefore cannot conclude that the Respondent registered the disputed domain name in anticipation of the Complainant's ZASWIN trademark rights.

The Panel further takes into account the composition of the disputed domain name, which consists of a three-letter combination together with the term "win" and arguments and evidence from the Respondent that it corresponds to a personal or surname. In light of this composition and having considered the Respondent's assertion that it is engaged in the business of registering domain names, the Panel considers that it cannot be ruled out that the Respondent registered the disputed domain name in good faith, without knowledge of the Complainant or its ZASWIN trademark applications in Colombia and the United States. Equally the Response could be a ruse – but the Complainant has not put forward arguments or evidence sufficient for the Panel to reach such conclusion.

In addition, the Panel notes that the mere fact that the disputed domain name has been offered for sale does not, for itself, constitute evidence of bad faith. As consistently recognized in UDRP decisions, the offering of a domain name for sale, even for relatively high prices, may be a legitimate activity, in particular where the domain name was not registered with the complainant or its trademark in mind. In the absence of evidence that the Respondent registered the disputed domain name primarily for the purpose of selling it to the Complainant or to a competitor of the Complainant, or otherwise sought to take unfair advantage of the Complainant's trademark rights, such conduct alone does not support a finding of bad faith within the meaning of paragraph 4(b)(i) of the Policy.

In view of the foregoing, the Panel finds that the Complainant has failed to establish that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

Consequently, the Panel finds that the third element of the Policy has not been established.

#### **D. Reverse Domain Name Hijacking**

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

In the present case, the Panel declines to make a finding of Reverse Domain Name Hijacking. While the Complaint has been denied, the Panel does not consider that the circumstances of this case meet the threshold required for a finding under paragraph 15(e) of the Rules. The record does not in view of the Panel, support a conclusion that the Complaint was brought in bad faith, with the intent to harass the Respondent, or in knowing disregard of the Policy.

Rather, the Panel considers that this case presents a non-*liquet* situation, in which the Parties advanced competing interpretations of the Policy and the applicable principles, in particular with respect to the timing and relevance of acquired trademark rights. Although the Panel ultimately finds that the Complainant has failed, it cannot be said that the Complaint was groundless or abusive; rather given the timing of its trademark application and the registration of the disputed domain name, the filing of the Complaint appears to be understandable.

In the absence of evidence that the Complainant knew or should have known that it could not succeed under any reasonable interpretation of the Policy, the Panel finds that a declaration of Reverse Domain Name Hijacking is not justified in this case.

#### **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Kaya Köklü/*  
**Kaya Köklü**  
Sole Panelist  
Date: January 6, 2026