

## **ADMINISTRATIVE PANEL DECISION**

### **Estafeta Mexicana, S.A. de C.V. v. Domain Privacy Case No. DCC2025-0018**

#### **1. The Parties**

The Complainant is Estafeta Mexicana, S.A. de C.V., Mexico, represented by Calderon & de la Sierra, Mexico.

The Respondent is Domain Privacy, Cyprus.

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

The disputed domain name <estafeta.cc> is registered with Jumpshot Domains LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 8, 2025. On August 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 8, 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 (TITULAR DESCONOCIDO DEL NOMBRE DE DOMINIO: “ESTAFETA.CC”) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 11, 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 August 12, 2025.

On August 11, 2025, the Center informed the parties in English and Spanish, that the language of the registration agreement for the disputed domain name is English. On August 15, 2025, the Complainant submitted the Complaint translated into English. The Respondent did not submit any comment on the Complainant’s submission.

The Center verified that the Complaint together with the amended Complaints 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 August 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 17, 2025.

The Center appointed Estela Mariel de Luca as the sole panelist in this matter on September 22, 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**

Estafeta S.A. de C.V. is a Mexican company founded in 1979, specialized in courier and logistics services in Mexico.

The Complainant is the owner of the following trademark registrations, among others:

Mexican trademark ESTAFETA, N° 548675, registered on May 23, 1997, int. class 38;  
Mexican trademark ESTAFETA, N° 546615, registered on April 24, 1997, int. class 39;  
Mexican trademark ESTAFETA, N° 2042803, registered on September 26, 2019, int. class 35;  
Mexican trademark ESTAFETA, N° 2042804, registered on September 26, 2019, int. class 39;  
Costa Rican trademark ESTAFETA, N° 105660, registered on February 3, 1998, int. class 38.

The Panel notes that the Complainant operates the domain name <estafeta.com>.

The disputed domain name was registered on July 4, 2025, and currently resolves to a Registrar parking page with no substantive content.

#### **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 disputed domain name is identical to the registered trademark ESTAFETA.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name and has no direct or indirect relationship or association with the Complainant neither has authorized the Respondent to use their ESTAFETA trademark in any manner, including in a domain name.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith. According to the Complainant, the disputed domain name was registered with the sole intention of preventing the trademark owner from registering it and from using its ESTAFETA trademark, to which the Complainant holds exclusive rights, prior to the Respondent's acquisition of the disputed domain name registration.

##### **B. Respondent**

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

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- (iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

### 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 identical 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 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 evidence demonstrates that the Complainant holds prior rights in the ESTAFETA trademark, which predates the Respondent's registration of the disputed domain name. In addition, the Complainant operates <estafeta.com>, which has remained active since long before the registration of the disputed domain name (as per the archived captures on Wayback Machine). [WIPO Overview 3.0](#), section 4.8.

The mere registration of a domain name that is identical to a well-known trademark by an unaffiliated party can, in itself, create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In addition, Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. In the present case, such a finding is reinforced by the following factors: (i) the Complainant's ESTAFETA trademark is distinctive and well established; (ii) the Respondent has failed to submit a Response or provide any evidence of good-faith use; and (iii) there is no conceivable good-faith use to which the disputed domain name could be put.

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 <estafeta.cc> be transferred to the Complainant.

*/Estela Mariel de Luca/*

**Estela Mariel de Luca**

Sole Panelist

Date: October 6, 2025