ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Andrés García Moreno v. Boy Fabio Trixie Tarigan
Case No. D2026-3746

1. The Parties

The Complainant is Andrés García Moreno, Spain, represented by Bettinger Rechtsanwälte Partnerschaft mbB, Germany.

The Respondent is Boy Fabio Trixie Tarigan, Indonesia.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 21, 2026. On August 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 24, 2026, 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 ("Privacy service provided by Withheld for Privacy ehf") and contact information in the Complaint. The Center sent an email communication to the Complainant on August 25, 2026, 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 26, 2026.

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 August 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2026. The Response was filed with the Center on August 27, 2026. On September 8, 2026, the Respondent confirmed to the Center that its Response dated August 27, 2026 was its complete Response in this matter, and submitted a further annex to the Center. On September 9, 2026, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed Tobias Zuberbühler as the sole panelist in this matter on September 11, 2026. 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 is an online footwear retailer that traded through the disputed domain name from 2019 until the Respondent took control of the disputed domain name in July 2026.

The Complainant owns the Spanish trademark No. M4221737 for DONZAPAS, filed on June 20, 2023, and registered on February 15, 2024.

The disputed domain name was originally registered by the Complainant on April 5, 2019. On July 25, 2026, Afternic recorded receipt of USD 2,500 from a buyer and initiated an automatic Fast Transfer that ultimately resulted in the Respondent's acquisition of the disputed domain name. Afternic and GoDaddy correspondence reflects that the disputed domain name had been listed through GoDaddy's List for Sale service and enrolled in Fast Transfer.

Following the transfer, on July 27, 2026, the disputed domain name resolved to a website displaying Indonesian-language gambling content. The screenshots provided by the Complainant dated August 5, and August 10, 2026 show that the disputed domain name redirected users to different third party websites displaying substantially the same Indonesian-language gambling content as that shown on July 27, 2026.

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.

In particular, the Complaint asserts that it registered the disputed domain name on April 5, 2019, and used it continuously for more than seven years in connection with its DONZAPAS footwear business. According to the Complaint, the disputed domain name served as the principal online location for the Complainant's business, through which it marketed and sold footwear products, communicated with customers, and developed goodwill in the DONZAPAS mark. The Complainant further asserts that on July 25, 2026, the disputed domain name was transferred to the Respondent following a sale through Afternic's Fast Transfer network, to which the Complainant immediately objected.

B. Respondent

The Respondent points out with evidence that he only acquired the disputed domain name on July 25, 2026, and is not responsible for any earlier use of the disputed domain name. Furthermore, the Respondent alleges that he did not create the content displayed in the technical capture dated July 27, 2026 (Annex 9G of the Complaint), relating to Indonesian-language gambling services, and argues that the existence of such content shortly after the transfer should not, by itself, establish bad faith registration. The Respondent requests that the Complaint be denied insofar as the Complainant has not established the required UDRP elements against the Respondent based solely on conduct or content attributable to a previous registrant or circumstances surrounding the disputed domain name immediately following the transfer.

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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The disputed domain name contains the trademark DONZAPAS in its entirety and without alteration. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy.

The Panel finds that 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 3.1, section 2.1.

Having reviewed the available record, the Panel finds that 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.

Panels tend to assess claimed respondent rights or legitimate interests at the time of the filing of the complaint. WIPO Overview 3.1, section 2.11. The Panel finds that, based on the case record, it is undisputed that the Complainant was the registrant of the disputed domain name until July 25, 2026, on which date the Respondent acquired the disputed domain name. The factual background of this case further shows that, from July 27, 2026 onward, the disputed domain name resolved, or redirected users to, Indonesian-language gambling websites, which does not amount to a bona fide offering of goods or services nor a legitimate noncommercial or fair use. The Respondent appears to assert that the July 27, 2026 content associated with the disputed domain name was not created by the Respondent. However, panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name, and in this case the Respondent had acquired the disputed domain name on July 25, 2026, two days before the gambling content was documented.

The Panel finds that 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 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 3.1, section 3.2.1.

The Panel notes that the Complainant registered and used the disputed domain name for its business prior to the Respondent's acquisition of the disputed domain name in July 2026. The fact that the Respondent acquired the disputed domain name through Afternic does not neutralize the targeting. A generalized marketplace offer, or acquisition through a legitimate secondary market platform, does not create a safe harbor where the circumstances show that the buyer acquired the particular domain name to exploit another party's trademark. The term DONZAPAS does not appear to have any dictionary meaning and is identical to the Complainant's trademark. The Respondent did not explain why he chose to acquire the disputed domain name incorporating the DONZAPAS trademark. Under the circumstances of this case, the Panel finds it more likely than not that the Respondent was aware of the Complainant's mark when acquiring the disputed domain name, considering the disputed domain name is identical to the Complainant's distinctive DONZAPAS trademark.

Having reviewed the available record and noting the composition of the disputed domain name and the use made thereof following the Respondent's acquisition of the disputed domain name, under the circumstances of this case, the Panel finds that the use of the disputed domain name creates a likelihood of confusion with the Complainant's trademark under paragraph 4(b)(iv) of the Policy. In particular, the Respondent's use of the disputed domain name for gambling websites, whether shortly after acquiring the disputed domain name or thereafter in August 2026, demonstrates an intention to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark. Therefore, the Panel finds that the Respondent has registered and used the disputed domain name 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 <donzapas.com> be transferred to the Complainant.

/Tobias Zuberbühler/
Tobias Zuberbühler
Sole Panelist
Date: September 25, 2026