

ADMINISTRATIVE PANEL DECISION

Banco Lafise and Lafise Corp. v. Jose Caceres Case No. D2025-0512

1. The Parties

The Complainants are Banco Lafise, Nicaragua and Lafise Corp., United States of America ("United States"), represented by Greenberg Traurig, LLP, United States.

The Respondent is Jose Caceres, El Salvador.

2. The Domain Name and Registrar

The disputed domain name <lafiseleaks.org> (the "Disputed Domain Name") is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 7, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 10, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 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 February 14, 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 February 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2025. The Respondent did not submit any formal response. However, the Respondent sent an email communication to the Center on March 4, 2025, written in Spanish. The Center notified the Parties of the Commencement of Panel Appointment Process on March 12, 2025.

The Center appointed Nick J. Gardner as the sole panelist in this matter on March 18, 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 Complainants are subsidiaries of Banco Lafise, Panama. The Complainants' operations cover the United States, Colombia, Costa Rica, the Dominican Republic, Honduras, Mexico, Nicaragua, Panama, and Venezuela. The Complainant Banco Lafise, Nicaragua is responsible for activities in Nicaragua. The Complainant Lafise Corp holds the registered trademarks relied upon and licenses their use to relevant operating entities. In practice nothing turns on the distinction between the two Complainants who are referred to collectively as the "Complainant".

The Complainant has won numerous awards – for example it was recognised as "Central America and the Caribbean's Best Bank" by Euro Money in 2024.

The Complainant has various registered trademarks which include the term LAFISE – see for example United States Registration No. 2003126, registered on September 24, 1996, with first use priority dated October 1987. The trademark comprises a logo design incorporating the outline of North and South America and the word LAFISE. These trademarks are referred to as the "LAFISE trademark" in this decision. The Complainant also owns the domain name <lafise.com> which resolves to its official website. Over the month of December 2024 alone, the Complainant's website received more than 538,600 unique visits. It also has a strong social media presence.

The Disputed Domain Name was registered on August 10, 2024. It did not, at the time the Complaint was filed and at the time of the decision, resolve to an active website. Filed evidence shows that it previously resolved to a website with content in Spanish (the "Respondent's Website"). See below as to the nature of this 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 incorporates the LAFISE trademark in full, changing the trademark only by adding the term "leaks" and the generic Top-Level domain ("gTLD") ".org" after the trademark. It says the Disputed Domain Name is confusingly similar to the LAFISE trademark.

The Complainant says the Respondent lacks rights or legitimate interests in the Disputed Domain Name given that (1) the Respondent is not a licensee of the Complainant; (2) the Complainant's rights in the LAFISE trademark precede the Respondent's registration of the Disputed Domain Name; and (3) the Respondent is not commonly known by the Disputed Domain Name. The Complainant says that the Disputed Domain Name was used to resolve to a Spanish-language website which purported to be a noncommercial fair use site with content critical of the Complainant but that site was pretextual and not bona fide (see further below).

The Complainant says the nature and content of the Respondent's Website gives rise to a finding that the Disputed Domain Name has been registered and used in bad faith. The evidence in English in this regard is provided by way of a sworn statement provided by the Complainant's counsel which says as follows:

“7. I have reviewed the website content previously posted on the <lafiseleaks.org> domain name. I have also conducted an investigation with Grupo Lafise and, to the extent possible without any waiver of attorney-client privilege, have determined that the same website content contained false, and therefore malicious, statements about Grupo Lafise and its personnel.

8. The website content falsely alleged that Grupo Lafise was responsible for the resources and infrastructure used to facilitate container house fraud and embezzlement in Honduras. This is false. Further, no court has made that determination, and Grupo Lafise has not been charged with any such crimes.

9. The website content also falsely alleged that Grupo Lafise has sheltered in Nicaragua Mr. Ebal Diaz, former Honduran minister, from law enforcement authorities in Honduras. This is false. And, again, no court has made that determination, and Grupo Lafise has not been charged with any such crime.

10. The website content also falsely alleged that the US Department of State 2024 Annual Report to Congress on Targeted Sanctions to Fight Corruption in El Salvador, Guatemala, Honduras, and Nicaragua (the “2024 Section 353 Report”) highlighted Grupo Lafise involvement in container house fraud and embezzlement in Honduras. However, the 2024 Section 353 Report does not in fact mention Grupo Lafise anywhere.

11. The foregoing are examples of intentionally false, and therefore malicious, statements previously contained in the Respondent’s website content. I can provide further examples, and further explain their false and malicious nature, as may be required by the Panel in this administrative proceeding”.

The Complainant makes a number of further detailed points in support of its arguments that the Disputed Domain Name has been registered and used in bad faith. In view of the Panel’s finding based on consent to transfer (see below) the Panel does not intend to set out the considerable detail that is provided but in summary the main further points the Complainant relies on include the following.

The Respondent’s Website made unnecessarily replete and prominent use of the LAFISE trademark, including in the Respondent’s purported name “Fraunde Lafise”.

The Respondent’s Website misappropriated the Complainant’s copywritten pictorial images directly from the Complainant’s official Facebook profile page, which included fraudulent use of the Complainant’s photo of its General Manager and her children as the Respondent’s profile picture

The Respondent’s Website was configured to enable monetization, through the misdirection of Internet traffic and directly through Google Analytics and indirectly through an embedded webhost PayPal Client ID and GooglePay ID.

The Disputed Domain Name was configured with mail exchange (“MX”) records that enable the Respondent to send and receive emails from an address that wholly incorporates the Complainant’s LAFISE Trademark. The Complainant suggests this may be indicative of phishing and produces evidence that a number of third party analytics companies have identified the Disputed Domain Name as a potential security risk.

Notably the Respondent’s Website content has changed multiple times, and was ultimately disabled, directly in response to the Complainant’s cease-and-desist demands and takedown notices.

B. Respondent

The Respondent did not file a formal Response. On March 4, 2025 the Respondent filed a submission with the Center. The substantive part of this said as follows (in Spanish) “Por medio de la presente, manifiesto mi intención de ceder y transferir voluntariamente el dominio al Complainante, sin oposición, para dar por finalizada esta disputa”. Machine translation indicates that in English this means “I hereby declare my intention to voluntarily assign and transfer the domain to the Complainant, without opposition, to end this dispute”.

6. Discussion and Findings

Given the content of the Respondent's submission dated March 4, 2025 (see above), the Panel adopts the approach set out in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.10 as follows:

"Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the 'standard settlement process' described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis)."

See for example *Infonxx, Inc. v. Lou Kerner, WildSites.com*, WIPO Case No. [D2008-0434](#), where the Panel stated as follows:

"However, this Panel considers that a genuine unilateral consent to transfer by the Respondent provides a basis for an order for transfer without consideration of the paragraph 4(a) elements. As was noted by the Panel in *The Cartoon Network LP, LLLP v. Mike Morgan*, WIPO Case No. [D2005-1132](#), when the Complainant seeks the transfer of the disputed domain name, and the Respondent consents to transfer, the Panel may proceed immediately to make an order for transfer pursuant to paragraph 10 of the Rules. Accordingly, and in light of the parties' stipulations set forth above, the Panel will order the transfer of the disputed domain name to the Complainant. This is clearly the most expeditious course. Id.; *Williams-Sonoma, Inc. v. EZ-Port*, WIPO Case No. [D2000-0207](#)."

The Panel concludes that the Respondent has given its clear and unambiguous consent to the transfer of the Disputed Domain Name. Given this finding it is not necessary for the Panel to consider the detail of the Complainant's case on the merits.

7. Decision

According to paragraphs 4(i) of the Policy and 10 and 15 of the Rules the Panel orders that the Disputed Domain Name <lafiseleaks.org> be transferred to the Complainant.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: April 1, 2025