ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Afianza Asesores, S.L. v. Host Admin, SyncPoint, Inc.
Case No. D2025-1542

1. The Parties

The Complainant is Afianza Asesores, S.L., Spain, represented by Ceca Magán Abogados, Spain.

The Respondent is Host Admin, SyncPoint, Inc., United States of America ("United States"), self-represented.

2. The Domain Name and Registrar

The disputed domain name <afianza.com> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 16, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 17, 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 (Unknown (Redacted for privacy according Whois Information)) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 22, 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 April 25, 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 May 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2025. The Response was filed with the Center on May 21, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on May 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 is a Spanish company that provides business consulting services. It holds multiple trademark registrations, including the following:

- Spanish trademark registration number M2667820, and Spanish trade name registrations numbers N0358160 and N0360821, all for a mixed sign featuring the textual elements A AFIANZA CONSULTORA ECONOMICA Y DEL TRABAJO, registered on February 28, 2006 (application filed August 30, 2005), on June 7, 2016, and on December 22, 2015, respectively, specifying services in classes 35, 42, and 45 (the "A AFIANZA CONSULTORA ECONOMICA Y DEL TRABAJO mark");

- Spanish trademark registration number M3619036 for a mixed mark featuring the textual elements A AFIANZAAPP, registered on November 21, 2016, specifying goods and services in classes 9 and 42; and

- European Union trademark registration number 011744091 for a mixed mark featuring the textual elements AFIANZA ASESORIA CONSULTORIA, registered on March 17, 2016, specifying services in classes 35, 36, and 41.

The above trademark registrations are current. The Complainant also registered the domain name <afianza-ac.es> on December 5, 2005 that it uses in connection with a website where it provides information about itself and its services.

The Respondent is a company based in the United States. According to evidence presented by the Complainant, the Respondent has also registered the domain name <syncserve.com> and advertises other domain names for sale.

The disputed domain name was created on April 27, 2005. According to evidence presented by the Complainant, as at June 11, 2016, the disputed domain name resolved to a webpage advertising that it was for sale for USD 8,000 and as at November 25, 2021, the webpage advertised that the disputed domain name was for sale without specifying a price. More recently, the disputed domain name has resolved to a webpage advertising that it is reserved, displaying a button to "contact via WhatsApp" and listing nine other domain names for sale, most of which are composed or consist of English dictionary words, with prices ranging from USD 24,700 to USD 543,700.

In February 2025, the Complainant filed multiple Spanish trademark and trade name applications for marks and names consisting of or containing the word "Afianza", including application number N0482088 for an AFIANZA trade name and application number M4305528 for a figurative AFIANZA mark. All those applications are pending at the time of this Decision.

On March 5, 2025, the Complainant's legal representative clicked on a "Make an Offer" button on the Registrar's website and indicated its interest in acquiring the disputed domain name. A broker replied on the same day, indicating that the disputed domain name owner was looking for USD 300,000 but suggesting that the Complainant could make a counter-offer of USD 100,000. On the following day, the Complainant's representative replied that the requested price was excessively high as the Complainant had limited financial resources and that the Complainant would be forced to explore other means to recover the disputed domain name as the current situation was clearly detrimental to its interests, but it would be willing to consider a more realistic proposal. On the same day, the broker replied, indicating that it remained open to an offer. On the same day, the Complainant's representative emphasized the Complainant's interest in the disputed

domain name but sought a “fair and reasonable” price. It referred to domain name policies against cybersquatting and asked the Respondent to propose a substantially lower offer. On March 18, 2025, the Complainant’s representative sent a follow-up email. On the following day, the broker indicated that the Complainant’s communication may be considered an attempt at reverse domain name hijacking. It argued that “Afianza” has specific meaning in Spanish and is a generic term, and that the Complainant does not own this word. The broker invited the Complainant to make a “serious” offer.

At the time of this Decision, the disputed domain name resolves to a webpage that displays a notice about the present proceeding under the Policy, setting out the key points of the Response.

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, as of the date of filing the Complaint, it is the holder of multiple trademarks including those set out in Section 4 above. When “performing a Google search for the term AFIANZA, virtually all of the results relate to the Respondent, with no reference to the Complainant or to any active business model currently operated by it. This demonstrates that the Respondent has consolidated its digital presence around the term AFIANZA, creating a strong association between said term and its commercial activity, as evidenced in the browsing log dated February 24, 2025, attached to the Complaint as Annex 3”.[1] The inclusion of the term “Afianza” in the Complainant’s registered company name constitutes a distinctive element of its legal personality vis-à-vis third parties. The Complainant’s long-standing use of the term “Afianza” in its company name results in the acquisition of rights under the principle of specialty concerning distinctive signs. The dominant element of the Complainant’s marks is clearly the term “Afianza”. There is a clear identity - or at the very least, a high degree of similarity - between the disputed domain name and the Complainant’s prior rights.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name has remained inactive since it was registered on April 27, 2005. The lack of use of the disputed domain name and the inactivity of the associated website clearly indicate that there is no business model operating behind the disputed domain name. Moreover, there is no evidence that the holder company, nor any of its business models, is commonly known by the name “Afianza” in the market, in its field of activity, or particularly on the Internet.

The disputed domain name has been registered and is being used in bad faith. This constitutes a clear case of passive holding. As of June 11, 2016, there was no commercial activity whatsoever under the disputed domain name, and that the associated website was offering the possibility to purchase it. The holder of the disputed domain name has passively retained it since the moment of its registration and, in particular, for the past ten years, with the sole and exclusive purpose of financial gain, without any intention to commercialize goods or services or to develop a legitimate business model. In other words, the holder maintains the disputed domain name solely for the purpose of trading and speculating with it. Lack of use, or passive holding, may be considered a relevant factor in determining bad faith, taking into account other elements such as the notoriety of the trademark and the absence of any Response. The Respondent appears to hold other inactive domain names, such as <syncserve.com>, through which domain names are also offered for

[1] While the Complainant annexed Annex 3 to the Complaint, titled as “Browsing log”, the actual browsing log (or search results) are not annexed to the Complaint. The Panel also notes that the references to the Complainant and the Respondent in the mentioned paragraph appear to have been inverted in error, which is immaterial to the Panel’s finding as the Panel understands the argument the Complainant intends to convey. The Panel does not consider it necessary to issue a Procedural Order requesting the missing evidence and inviting the Respondent to comment on it, as the Panel considers that such evidence would not alter the Panel’s reasoning or the outcome.

sale. This behavior suggests that the Respondent may be passively holding domain names without any underlying business model, potentially with the sole purpose of profiting from their resale. Further conclusive evidence of this fact lies in the exorbitant price that the Respondent has asked for the disputed domain name, lacking any clear justification or reasonable motivation for such a valuation. Moreover, the concealment of the actual holder's identity, as well as the presence of layers of intermediaries that obscure the true party behind the price negotiation, are additional factors to be taken into account when assessing potential bad faith.

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. The Complaint is entirely without merit and constitutes a misuse of the UDRP, an attempt at reverse domain name hijacking, following the Complainant's unsuccessful effort to acquire the disputed domain name through purchase.

The Complainant's case fails on the threshold question of bad faith. The registration of the disputed domain name predates the Complainant's earliest claimed rights. Accordingly, it is legally and factually impossible for the Respondent to have registered the disputed domain name in bad faith. The Complainant had no enforceable rights at the time of registration. This alone warrants dismissal.

The Complainant waited two decades to assert any claim. The Complainant took no enforcement action during that entire period. The only communication occurred in March 2025, when Complainant attempted to purchase the disputed domain name. Such an extended period of inaction is wholly inconsistent with active trademark enforcement and supports a finding that the Complainant has acquiesced in the Respondent's registration.

The Complainant is simultaneously pursuing two separate actions under domain name dispute resolution policies: the present proceeding against the Respondent concerning <afianza.com>, registered in 2005, and another proceeding against a different party concerning <afianza.es>, registered in 2015. The Complainant waited until 2025 to attempt a coordinated recovery of both domain names. This selective timing suggests a recent strategic maneuver, not a long-standing enforcement effort.

Trademark owners have a duty to police their marks. The Complainant's long-standing inaction undercuts any claim that its rights are exclusive, well-known, or actively protected. This history of inaction implies weak or non-exclusive rights in the term "Afianza", lack of consumer recognition or market overlap, and potential forfeiture of rights through acquiescence or estoppel.

The Complainant's email communication of March 5, 2025 acknowledges the Respondent as the lawful holder of the disputed domain name, contains no mention of trademark rights, confusion, or infringement, and seeks a commercial acquisition, not legal redress. The Respondent referred the inquiry to the broker, who replied with a standard valuation and invitation to negotiate. The Complainant, apparently unhappy with the quoted price, resorted to filing the Complaint.

The Respondent has a legitimate interest in the disputed domain name because "afianza" is a generic Spanish verb meaning "to secure" or "to guarantee". The disputed domain name was registered for its descriptive, linguistic, and investment value, not to target the Complainant. The Respondent had no knowledge of the Complainant until 2025. Multiple third parties globally use the name "Afianza" and the Complainant has no exclusive claim. Passive holding of a generic domain name is a well-recognized legitimate use under UDRP jurisprudence. There is no evidence of any use that could confuse, divert, or harm the Complainant.

The Respondent requests a finding of reverse domain name hijacking based on (i) the disputed domain name's clear priority over the Complainant's rights; (ii) the Complainant's own correspondence acknowledging the Respondent's ownership; and (iii) the use of the UDRP only after failed acquisition attempts; and a simultaneous campaign to recover multiple long-registered domain names. The

Complainant knew or should have known that its claim could not succeed under any reasonable interpretation of the facts.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(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.

The burden of proof of each element is borne by the Complainant.

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. See 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 trademarks, including the A AFIANZA CONSULTORA ECONOMICA Y DEL TRABAJO mark, for the purposes of the Policy. Given that the figurative elements of that mark cannot be reflected in a domain name for technical reasons, the Panel will not take these into account in the assessment of confusing similarity for the purposes of the Policy. See WIPO Overview 3.0, sections 1.2.1 and 1.10.

The Complainant has filed trademark applications for other marks, including an AFIANZA wordmark and a figurative AFIANZA mark, but these are pending at the time of this Decision. Pending trademark applications by themselves do not demonstrate trademark rights for the purposes of the Policy. See WIPO Overview 3.0, section 1.1.4. The Complainant also refers to its company name but a company name registration, without more, does not demonstrate rights in a trademark for the purposes of the Policy either.

AFIANZA is one of the dominant features of the A AFIANZA CONSULTORA ECONOMICA Y DEL TRABAJO mark. This dominant feature of that mark is recognizable in the disputed domain name, which is normally sufficient for a domain name to be considered confusingly similar to a mark for the purposes of standing under the first element of the Policy. There is no additional element in the disputed domain name besides a generic Top-Level Domain ("gTLD") extension which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity. See WIPO Overview 3.0, sections 1.7 and 1.11.1.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Given the Panel's findings regarding bad faith under the third element of the Policy, it is unnecessary to consider the second element, or the Respondent's request for a declaration that its registration of the disputed domain name is lawful.

C. Registered and Used in Bad Faith

The Panel notes that the third element of paragraph 4(a) of the Policy contains two requirements that apply conjunctively. A complainant must show both that the disputed domain name has been registered in bad faith and also that it is being used in bad faith. The former requires a demonstration that the Respondent knew, or should have known of the Complainant and/or the Complainant's trademark at the time when it registered or acquired the disputed domain name and that it registered the disputed domain name with a bad faith intention targeting the Complainant and/or its mark.

In the present case, the disputed domain name was registered in April 2005, four months before the Complainant's earliest application to register a trademark containing the word "afianza". The Panel recalls that where a respondent registers a domain name before a complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent. See WIPO Overview 3.0, section 3.8.1. The Panel sees no exceptional circumstances that might establish that the Respondent's intent in registering the disputed domain name was to unfairly capitalize on the Complainant's nascent, as yet unregistered, trademark rights. See WIPO Overview 3.0, section 3.8.2. Indeed, the Complainant does not claim that there are any such exceptional circumstances. While it correctly claims that it holds relevant trademarks "as of the date of filing the Complaint", it makes no attempt to show that the Respondent could or should have been aware of the existence of itself or any of its marks at the time of registration of the disputed domain name 20 years ago in April 2005. The Respondent submits that it had no knowledge of the Complainant until 2025 and the Panel sees no reason to doubt that submission.

In view of these circumstances, the Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights because the Complainant did not prove that it had trademark rights at the time when the Respondent registered the disputed domain name.

As regards use, the disputed domain name is used in connection with an active webpage where it has been offered for sale. The Complainant alleges without supporting evidence that there is an association between "afianza" and its business. The Complainant fails to acknowledge that "afianza" is a Spanish dictionary word. Specifically, "afianza" is the third person singular form of the verb "afianzar" meaning, among other things, to make firm or to consolidate something.[2] The Respondent refers to that meaning as the value of the disputed domain name. Nothing on the record indicates that the incorporation of that Spanish dictionary word in a domain name indicates a bad faith intention toward the Complainant and/or any of its marks, even now, when some of those marks are registered. None of the evidence shows that any other domain names that the Respondent offers for sale incorporate trademarks either. The mere fact of holding a domain name for subsequent resale (including for a profit), even for an extended period of time, does not by itself constitute bad faith conduct.

The Complainant cites certain UDRP panel decisions regarding bad faith that are inapposite in the circumstances of this dispute. The Complainant cites the panel decision in *OMEGA SA, SWATCH AG v. Soulaimane El Maimouni,* WIPO Case No. D2024-2747, which concerned a domain name held only for the purpose of resale. However, the circumstances of that case left no doubt whatsoever that the respondent was fully aware of the complainants' rights in an undisputedly famous trademark, unlike the present dispute. Similarly, the Complainant cites the panel decision in *SAP SE v. Domains by Proxy, LLC / Kamal Karmakar,* WIPO Case No. D2016-2497, in which an offer to sell was found to be further evidence of bad faith. However, it was clear in that case also that the respondent was aware of the complainant and its mark, unlike the present dispute. The Complainant also cites the panel decision in *SRL BOWTEX v. Mira Holdings,* WIPO Case No. D2024-1632, regarding a failure to conduct due diligence regarding a prior domain name registrant's pre-existing trademark rights in a coined term. However, in the present case there was no prior domain name registrant, no pre-existing trademark right, and no coined term.

[2]The Panel's translation of one of the definitions in the Real Academia Española, "Diccionario de la lengua española" (Spanish Royal Academy "Dictionary of the Spanish language") available at https://dle.rae.es/afianzar?m=form.

In view of these circumstances, the Panel finds that the evidence in the case file does not indicate that the Respondent's aim in using the disputed domain name is to profit from or exploit the Complainant's trademark.

Therefore, the Panel finds that neither requirement of the third element of the Policy has been established.

D. Reverse Domain Name Hijacking

The Respondent requests a finding of 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. See WIPO Overview 3.0, section 4.16.

The Panel notes that the Complaint made no attempt to show that the Respondent could or should have been aware of the existence of itself or any of its marks at the time of registration of the disputed domain name. Even if the Panel were to consider a recent Google search mentioned by the Complainant, that would not necessarily be conclusive as to what the Respondent, located in the United States, would have seen at the time of registering the disputed domain name (particularly when the Complainant's trademark was not registered yet). Further, the Complainant failed to acknowledge that the disputed domain name is a Spanish dictionary word and thus did not explain why a good faith use of the disputed domain name in connection with that meaning was implausible.

The Complainant was fully on notice of the above defects in its arguments. It has legal representation in this matter and consulted the WIPO Overview 3.0 in the preparation of the Complaint. As a Spanish company, the Complainant must know the dictionary meaning of "afianza". Prior to this dispute, the Respondent's broker pointed out that dictionary meaning to the Complainant and warned it that a complaint may be considered an attempt at reverse domain name hijacking.

Heedless, the Complainant proceeded to file the Complaint, evidently motivated by dissatisfaction with the price range that the Respondent was seeking for the disputed domain name. The Complainant knew that it could not succeed on any fair interpretation of the Policy and put the Respondent to the time and effort of defending itself with no prospect of a costs order in its favor. These are grounds to find that the Complaint was filed in bad faith.

On the other hand, the Panel does not consider that the very lengthy delay in bringing this case (20 years after the registration of the disputed domain name) is itself a sign of bad faith or acquiescence in the Respondent's registration. Nor will the Panel speculate as to why the Complainant may now be pursuing two complaints simultaneously for "afianza" domain names.

Therefore, the Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied. Moreover, the Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

/Matthew Kennedy/
Matthew Kennedy
Sole Panelist
Date: June 9, 2025