

## **ADMINISTRATIVE PANEL DECISION**

JAS Worldwide Management, Inc. v. Martin Moro, Hosting Bahia  
Case No. D2025-2066

### **1. The Parties**

The Complainant is JAS Worldwide Management, Inc., United States of America (“United States”), represented by Arnall Golden Gregory LLP, United States.

The Respondent is Martin Moro, Hosting Bahia, Argentina.

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

The disputed domain name <transporte-jas.com> is registered with eNom, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 24, 2025. On May 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 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 Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 28, 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 June 4, 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 June 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on July 2, 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

According to the Complainant's official website, the Complainant was founded in 1978 in Italy, initially focusing on the Europe/Far East trade, later expanding its activities to a global scale and changing its headquarters to the United States.<sup>1</sup>

The Complainant is the owner of the following trademark registration for JAS in Argentina (Annex 3 to the Complaint):

- No. 3.219.881 for **JAS**, filed on November 7, 2019 and registered on October 5, 2021, in class 35;
- No. 3.219.882 for **JAS**, filed on November 7, 2019 and registered on October 5, 2021, in class 36;
- No. 3.219.883 for **JAS**, filed on November 7, 2019 and registered on October 5, 2021, in class 42; and
- No. 3.245.726 for **JAS**, filed on November 7, 2019 and registered on December 27, 2021, in class 39.

The disputed domain name was registered on February 4, 2021, and presently resolves to an active webpage offering logistic services displaying a similar logo to that of the Complainant.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant, in its succinct complaint, 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 it holds several trademark registrations for JAS around the world and that the disputed domain name incorporates the Complainant's trademark in its entirety with the simple addition of the descriptive term "transporte" (which translates to "transportation" in English) thus deliberately confusingly similar to the Complainant's trademarks.

As to the lack of rights or legitimate interests in the disputed domain name, the Complainant asserts that:

- i. the Respondent has no good faith basis to use the disputed domain name given that it refers to the Complainant's well-known business operating under the JAS trademark;
- ii. the mere addition of a term to a trademark does not create a new or different mark in which the Respondent has legitimate rights;
- iii. the Respondent is not an authorized licensee of the Complainant;
- iv. the Respondent's use of the disputed domain name tarnishes the Complainant's brand by trading on its goodwill;
- v. the Respondent is not using the disputed domain in connection with a bona fide offering of goods or services, given the very high probability that the Respondent was trying to confuse Internet users as to its source and affiliation; and
- vi. the Respondent had both constructive and actual notice of the Complainant's rights by virtue of the Complainant's trademark registrations all over the world and the considerable use, promotion, and reputation of the Complainant's trademark.

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<sup>1</sup>The Panel visited <https://www.jas.com/company-profile> on July 17, 2025.

The Complainant further asserts that the Respondent registered the disputed domain name in bad faith and continues to use it in bad faith given that the Complainant's JAS trademark is unique and is not a typical mark used to describe the specific logistics and transportation services the Complainant provides, rather having the Respondent chosen to use the exact same trademark for its competing business, also adopting a logo that is *extremely* similar to that of the Complainant so as to divert potential customers from the Complainant's business to the website under the disputed domain name by attracting Internet users who mistakenly believe that the disputed domain name is affiliated to the Complainant, when it is not.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (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 Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

### **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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (the term "transportes" – "transportation" in English – and a hyphen) may bear on assessment of the second and third elements, the Panel finds the addition of such elements does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent who has not been authorized, licensed, or been allowed to use the Complainant's trademark, whether in the disputed domain name, or in any other way.

Also, the lack of evidence as to any trademarks registered by the Respondent corresponding to the disputed domain name, corroborates the indication of an absence of rights or legitimate interests in the disputed domain name.

Furthermore, panels have held that the use of a domain name for illegal activity such as impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. The Panel notes the composition of the disputed domain name, its use, and particularly the similarity between the logo displayed on the Respondent's website compared to the Complainant's JAS trademark. In these circumstances, Panel considers that the Respondent registered and used the disputed domain name to take an unfair advantage of the similarities with the Complainant's JAS trademark.

The Panel finds the second element of the Policy has been established.

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

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 3.0](#), section 3.2.1.

This case presents the following circumstances which indicate under the balance of probabilities bad faith registration and use of the disputed domain name:

a) the composition of the disputed domain name reproducing the JAS trademark, with the addition of a term that refers to the Complainant's well-known business, (previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4);

b) the Respondent has been using the disputed domain name in connection with a website offering competing services with a similar logo to that of the Complainant, thus creating a high degree of likelihood of confusion;

c) the Respondent has not responded to this procedure; and

d) at the time of this decision, the Panel notes that the Respondent has updated his website contact form adding a new email address ("[...]@transportes-jal.com.ar"). The Respondent appears to have registered, upon receipt of this procedure, a new domain name similar to the disputed domain name (ie <transportes-jal.com.ar>, registered on June 13, 2025), which implies that the Respondent was aware of the present dispute.

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 <transporte-jas.com> be transferred to the Complainant.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: July 16, 2025