

ADMINISTRATIVE PANEL DECISION

Estafeta Mexicana, S.A. de C.V. v. EEnrique Collado Fernandez, LV
Case No. D2025-2175

1. The Parties

The Complainant is Estafeta Mexicana, S.A. de C.V., Mexico, represented by Olivares y Compañía, S.C., Mexico.

The Respondent is EEnrique Collado Fernandez, LV, Mexico.

2. The Domain Name and Registrar

The disputed domain name <comando-estafeta.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 3, 2025. On June 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 4, 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 (DOMAINS BY PROXY, LLC.) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 6, 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 June 13, 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 June 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2025. The Respondent sent email communications to the Center on June 16, and 18, 2025. However, the Respondent did not file any formal response. Accordingly, the Center notified the commencement of panel appointment process on July 7, 2025.

The Center appointed Enrique Ochoa de G. Argüelles as the sole panelist in this matter on July 23, 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 Mexican mercantile company, and its main corporate purpose is services rendered in the field of packaging, delivery and supply chain management.

The Complainant is a leader providing the referred services and has been in the business for over 50 years, with presence around the world.

Among others, the Complainant holds rights in the following Mexican trademark registrations, hereinafter referred to as the “ESTAFETA trademarks”:

- ESTAFETA and design, with registration number 546615, in class 39 in full force and effect and registered on April 24, 1997,
- ESTAFETA and design, with registration number 1060130, in class 39 in full force and effect and registered on September 9, 2008,
- ESTAFETA, with registration number 2042804, in class 39 in full force and effect and registered on September 26, 2019, and
- COMANDO ESTAFETA with registration number 2482317, in class 39 in full force and effect and registered on December 1, 2022.

The Panel confirmed information on ESTAFETA trademarks at the database of the Mexican Industrial Property Institute.

The Complainant also owns the domain name <estafeta.com>, which was created on March 27, 1996.

The disputed domain name was registered on March 1, 2023.

The disputed domain name has no available content, although from the evidence provided by Complainant, it is undisputed that the disputed domain name resolved to a website prominently displaying the Complainant's ESTAFETA trademarks, and purportedly offering the same services as those of the Complainant.

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 was created on March 1, 2023 and therefore it is clear that ESTAFETA trademarks were registered on an earlier date.
- The disputed domain name is identical or similar to the ESTAFETA trademarks, described above.

- The Respondent's use of the website in connection with the disputed domain name was not a bona fide offering of goods and services, since it was impersonating the identity of the Complainant for illegal activities.
- The incorporation of the ESTAFETA trademarks in the disputed domain name is not a coincidence and the disputed domain name was used for illegal activities.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. The Respondent sent several emails in which the Respondent engaged in negotiations with the Complainant regarding the transfer of the disputed domain name.

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

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

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 COMANDO ESTAFETA is reproduced within the disputed domain name, with a hyphen in between. Accordingly, the disputed domain name is confusingly similar 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.

Moreover, UDRP panels have decided cases taking into consideration circumstances like:

- the Respondent is not commonly known by the disputed domain name, which is the case; and
- the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.

Panels have held that the use of a domain name for illegal activities here, claimed such as impersonation or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1, and *Federal Express Corporation, FedEx Corporate Services, Inc. v. Domain Admin, Domain Privacy Service FBO Registrant / Kostiantyn Lakhonia*, WIPO Case No. [D2022-2000](#).

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.

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.

It is worth mentioning that, in terms of the evidence of the case:

- The disputed domain name was registered after the ESTAFETA trademarks; and
- The composition of the disputed domain name and the content on the website indicate that Respondent was aware of the existence of the Complainant and its ESTAFETA trademarks.

The Panel finds that the Respondent registered the disputed domain name in bad faith targeting the Complainant.

Panels have held that the use of a domain name for illegal activities such as claimed impersonation or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <comando-estafeta.com> be transferred to the Complainant.

/Enrique Ochoa de G. Argüelles/

Enrique Ochoa de G. Argüelles

Sole Panelist

Date: August 9, 2025