

ADMINISTRATIVE PANEL DECISION

Agave Ventures LLC v. Domain Admin
Case No. D2025-2998

1. The Parties

Complainant is Agave Ventures LLC, United States of America (“United States”), represented by Wyatt, Tarrant & Combs, United States.

Respondent is Domain Admin, United States.

2. The Domain Name and Registrar

The disputed domain name <lunazul.com> (the “Domain Name”) 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 July 25, 2025. On July 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 28, 2025, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 Respondent of the Complaint, and the proceedings commenced on July 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 21, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on August 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

Complainant asserts:

“Hailing from the oldest dynasty of tequila producers with over 200 years of experience making tequila, the Complainant distills and bottles LUNAZUL® Tequila through a family-run operation located in the heart of Tequila, Jalisco, Mexico where it proudly continues its mission of creating only the finest, 100% agave premium tequilas. The Complainant is the owner of numerous active trademark registrations in the United States and worldwide for its LUNAZUL brand of tequila.”

Complainant holds several trademark registrations in various jurisdictions for the mark LUNAZUL, the earliest of which is United States Reg. No. 3,269,778 for the word mark LUNAZUL, registered on July 24, 2007 in connection with “tequila” with a date of first use in commerce of December 14, 2006.

Complainant has owned the domain name <lunazultequila.com> since September 14, 2005.

There is no evidence in the record that Complainant used LUNAZUL as a trademark in commerce prior to September 14, 2005.

The Domain Name was registered on July 23, 2004. The Domain Name resolves to a parking page apparently set up by the Registrar. The landing page indicates that the Domain Name “is available for sale,” and the page invites visitors to provide certain information and make an offer to purchase the Domain Name.

There is no evidence in the record of any correspondence at any time between the Parties.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the 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 Panel finds that Complainant has rights in the trademark LUNAZUL through registration demonstrated in the record. The Panel also finds that the Domain Name is identical to that mark.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel need not address this element, given its holding below regarding the “bad faith” element.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes, on the record provided here, that Complainant has failed to prove bad faith registration here. As noted above, the Domain Name was registered on July 23, 2004. There is no allegation that the Domain Name was acquired by Respondent at some point in time after that date. In addition, there is no evidence in the record that Complainant had been using LUNAZUL as a trademark as of July 23, 2004. As such, it is impossible for the Panel to conclude that Respondent had Complainant’s mark in mind at the time the Domain Name was registered. Furthermore, the Panel notes that “lunazul” seems to be a combination of two Spanish terms “luna” and “azul” (in English “blue moon”) with the repeated “a” being omitted. Accordingly, the Panel cannot find that the Domain Name was registered in bad faith.

Complainant has not established Policy paragraph 4(a)(iii).

7. Decision

For the foregoing reasons, the Complaint is denied.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: September 9, 2025