

ADMINISTRATIVE PANEL DECISION

Marcjoan Import Export, S.L., Jorge Pork Meat, SL v. Domain Admin,
GuardPrivacy.org
Case No. D2025-3153

1. The Parties

The Complainant is Marcjoan Import Export, S.L. and Jorge Pork Meat, SL, both Spain (the “Complainant”), represented by Integra, Spain.

The Respondent is Domain Admin, GuardPrivacy.org, China.

2. The Domain Name and Registrar

The disputed domain name <marcjoanimportexport.com> (the “Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 7, 2025. On August 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 8, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domain Admin, GuardPrivacy.org) and contact information in the Complaint. The Center sent an email to the Complainant on August 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 amended Complaint on August 12, 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 August 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on September 17, 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 MARCJOAN IMPORT EXPORT, S.L was acquired by GRUPO JORGE in 2018. GRUPO JORGE is a Spanish meat group with more than 100 years of history. It is one of the largest pork exporters in Europe. In 2024, it reached a turnover of almost EUR 2 billion and exported its products to more than 100 countries. After the acquisition, the Complainant has continued its business under the tradename MARCJOAN IMPORT EXPORT.

The Domain Name was registered on November 28, 2023. The Domain Name resolves to a webpage that appears to be offering meat products. It is unclear how much of the content originates from the Complainant's websites, however, the Respondent has listed the Complainant's address in the contact section of the Respondent's website. The Complainant has also documented that the Domain Name has been used to set up e-mail accounts used by the Respondent to mislead Internet users to purchase meat products.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy. The Complainant argues that although not formally registered as a trademark, the names MARCJOAN and MARCJOAN IMPORT EXPORT have acquired sufficient distinctiveness to identify them as signs associated with the Complainant's business. The names have been used systematically in commercial dealings as a business identifier, which has created a clear and stable association in the relevant public. Furthermore, the Domain Name is identical to the Complainant's tradename and confusingly similar to its unregistered trademark mark, as the Domain Name includes in its entirety the unregistered trademark MARCJOAN.

The Complainant argues that the Respondent has adopted the Domain Name to usurp the reputation associated with the Complainant and deceive customers. The Respondent is not commonly known by that name, and the Respondent has engaged in bad faith use of the Domain Name.

Finally, among other arguments, the Complainant repeats that the Respondent through offering identical products (meat) under the Complainant's tradename, demonstrates a deliberate intent to exploit the reputation and goodwill of the Complainant and mislead consumers. Moreover, the fact that the Respondent has sent emails in Spanish to deceive customers suggests that the real persons behind the registration of the Domain Name have Spanish origin. The Complainant also argues that the Complainant's unregistered trademark is a well-known brand, in particular in Spain. The emails point to fraud. Fraud is a strong indication of bad faith. The absence of a prior trademark registration does not exclude bad faith because the Respondent has clearly been aware of the Complainant. The Complainant submits that some of its other trademarks have been registered fraudulently, and the Complainant has successfully achieved cancellations of such registrations. Without documenting the connection to the Respondent in the present case, the Complainant implies that the same owner or responsible may be behind all the registrations, including the Domain Name in the present case.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The first element functions primarily as a standing requirement. The 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 claims unregistered rights in MARCJOAN IMPORT EXPORT and MARCJOAN. The Complainant has documented use of the names for selling meat, both as a trademark and a tradename, for several years. The Complainant has documented actual consumer confusion as to the Respondent's use and the Complainant's products. A premise for such confusion is that the consumer knew of the Complainant and its products in the first place.

Based on the case file it is clear that MARCJOAN IMPORT EXPORT and MARCJOAN are distinctive identifiers which consumers associate with the Complainant's goods. Therefore, the Panel concludes that the Complainant has proven unregistered rights for the purposes of the Policy, and consequently UDRP standing. The finding is supported by the fact that the Respondent through setting up its website and considering the use of the Domain Name has targeted the Complainant. See [WIPO Overview 3.0](#), section 1.3.

Domain Name incorporates the Complainant's unregistered trademark MARCJOAN in its entirety. The addition of "import" and "export", does not prevent a finding of confusing similarity as the mark remains recognizable within the disputed domain name, see [WIPO Overview 3.0](#), section 1.8. For the purposes of assessing confusing similarity under paragraph 4(a)(i) of the Policy, it is permissible for the Panel to ignore the generic Top-Level Domain ("gTLD") as it is viewed as a standard registration requirement, see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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. While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element, see [WIPO Overview 3.0](#), section 2.1.

The Respondent is not affiliated with nor authorized by the Complainant. The Respondent has not filed any evidence suggesting that the Respondent has any rights or legitimate interests in the Domain Name. The Respondent's use of the Domain Name, as described above, is not bona fide, but rather evidence of bad faith use, see below.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

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.

Based on the composition and use of the Domain Name, it is probable that the Respondent knew of the Complainant and its unregistered trademark when the Respondent registered the Domain Name. The Respondent has used the Domain Name for sending emails in what appears to be a fraudulent scheme. It is an attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark and through freeriding on the Complainant's goodwill. Moreover, the Respondent has concealed its identity, which, under the circumstances of the case, further points to bad faith.

The Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 Domain Name <marcjoanimportexport.com> be cancelled.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: September 23. 2025