

ADMINISTRATIVE PANEL DECISION

Estafeta Mexicana, S.A. De C.V. v. Cherevko Alexander, ESTAFETA
Communications LLC
Case No. D2025-3179

1. The Parties

The Complainant is Estafeta Mexicana, S.A. De C.V., Mexico, represented by Calderón y de la Sierra y Cía., S.C., Mexico.

The Respondent is Cherevko Alexander, ESTAFETA Communications LLC, Ukraine, internally represented.

2. The Domain Name and Registrar

The disputed domain name <estafeta.org> (the “Domain Name”) is registered with Internet Invest, Ltd. dba Imena.ua (the “Registrar”).

3. Procedural History

The Complaint was filed in Spanish with the WIPO Arbitration and Mediation Center (the “Center”) on August 8, 2025. On August 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 12, 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 (Internet Invest, Ltd. dba Imena.ua) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 21, 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 August 21, 2025, and amended Complaints in English on August 20 and 28, 2025.

On August 21, 2025, the Center informed the parties in Ukrainian and English, that the language of the registration agreement for the Domain Name is Ukrainian. On August 28, 2025, the Complainant requested English to be the language of the proceeding. In its Response, the Respondent agreed that both English and Ukrainian languages may be the language of proceedings.

The Center verified that the Complaint together with the amendment to the Complaint and the amended Complaints 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 in Ukrainian and English of the Complaint, and the proceedings commenced on August 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 18, 2025. The Response was filed with the Center on September 17, 2025,

Between August 29, 2025, and September 9, 2025, the Parties and the Center exchanged communications concerning the potential presence of a corrupted hyperlink in the Complaint and its annexes. The issue was resolved on September 4, 2025, when the Complainant submitted a revised version of the Complaint and annexes in a secure format.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on September 22, 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, founded in Mexico City in 1979, is a leading courier and logistics company in Mexico. It employs over 12,000 people and operates a fleet of about 5,000 vehicles, 129 distribution centers, three logistics hubs, and its own cargo airline.

The Complainant is the owner of several ESTAFETA trademark registrations, including:

- the Mexican Trademark Registration for ESTAFETA (combined) No. 546615, registered on April 24, 1997;
- the Mexican Trademark Registration for ESTAFETA (combined) No. 548675, registered on May 23, 1997; and
- the Mexican Trademark Registration for ESTAFETA (word) No. 2042803, registered on September 26, 2019.

The Complainant is also the owner of a domain name <estafeta.com>, which incorporates the ESTAFETA trademark and is used to promote its products and services.

The Respondent is a company incorporated in Ukraine on February 2, 2011. It is engaged in computer programming, software publishing, IT management, data processing, and related services.

The Domain Name was registered on February 3, 2010.

The Complainant asserts in the Complaint that the Domain Name does not resolve to any accessible website and does not display any content indicating an intention to offer products or services.

As of the date of this Decision, the Domain Name resolves to a website titled “Estafeta Automotive” (the “Website”), operated by the Respondent, which offers an automotive platform focused on claims management and settlement services, providing tools, and solutions for coordinating parties involved in vehicle-related claims.

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 Domain Name.

First, the Complainant contends that the Domain Name is identical to the trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Name.

Third, the Complainant submits that the Domain Name was registered and is being used in bad faith.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the Domain Name.

First, the Respondent contends that the Complainant does not have rights to the trademark to which the Domain Name is allegedly identical or confusingly similar for purposes of the Policy. In particular, the Respondent notes that while the Complainant holds ESTAFETA trademark registrations in various jurisdictions, it does not own any registered trademark in Ukraine. Moreover, the Complainant's European Union Trade Mark application was refused in 2021. Finally, no evidence has been provided of widespread use of the Complainant's trademark in Ukraine.

Second, the Respondent contends that it has rights or legitimate interests in the Domain Name. In particular, it argues that, prior to notice of the dispute, it used the Domain Name in connection with a bona fide offering of services through the Website, which provides automotive inspection, claims management, and related IT solutions. The Respondent further submits that it is a duly registered Ukrainian company, incorporated on February 2, 2011, and commonly known by the Domain Name. In addition, the Respondent refers to the Ukrainian copyright registration and related assignment documentation concerning the software "ESTAFETA Automotive," as well as Ukrainian Trademark Registration for E, No. 147682 (combined mark), registered on November 10, 2011, which is used as a logo on the Website and the mobile application. On this basis, the Respondent maintains that it is making legitimate use of the Domain Name in the course of its business and denies any intent to mislead or divert consumers.

Third, the Respondent submits that the Domain Name was neither registered nor used in bad faith. The Respondent argues that there is no evidence that the Domain Name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring to the Complainant or to a competitor of the Complainant. There is also no evidence that the Respondent registered the Domain Name to prevent the Complainant from reflecting its ESTAFETA trademark in a corresponding domain name. In addition, there is no evidence that the Complainant and the Respondent are competitors and/or the Domain Name was registered by the Respondent primarily to disrupt the Complainant's business. The Respondent emphasizes that it is a Ukrainian company conducting lawful activities through its "ESTAFETA Automotive" software. Moreover, the Complainant has provided no evidence of use of its ESTAFETA trademark in Ukraine or that the Respondent targeted the Complainant. The Respondent further claims there is no evidence that the Domain Name was used to divert Internet users for commercial gain or to create confusion with the Complainant's trademark.

6. Discussion and Findings

6.1. Preliminary Issues

A. Language of Proceedings

The language of the Registration Agreement for the Domain Name is Ukrainian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The amended Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons. First, the Complainant argues that Ukrainian is not a common or universal business language for international proceedings. Second, the Complainant claims that using Ukrainian would create a procedural disadvantage, as unclear translations could cause errors and prevent proper understanding of the Respondent's filings and evidence. Third, the Complainant notes that English is recognized as the lingua franca in international commercial and legal contexts, ensuring equal procedural conditions and proper conduct of the arbitration. Fourth, the Complainant stresses that machine translation and technological tools are more accurate and reliable for English than for less widely spoken languages such as Ukrainian.

The Respondent requested that the language of the proceeding be English or Ukrainian.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs. See section 4.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

The Panel notes that the Complainant, a company based in Mexico, requested that the proceedings be conducted in English. The Respondent did not object to the Complainant's request concerning the language of the proceedings. The Panel further observes that substantial additional expenses and delay would likely be incurred if the Complaint had to be translated into Ukrainian.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

B. Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

The Panel is satisfied that the proceedings should continue, having considered all relevant factors.

First, the Panel notes that the Center duly complied with its obligations and that the Notification of Complaint was done in accordance with the Rules.

Second, the Panel observes that the Notification of Complaint's emails were delivered to the Respondent's email address, as provided by the Registrar.

Third, the Panel notes that the Respondent has duly filed a Response, confirming that the Respondent has been effectively notified of the Complaint.

Having considered all the circumstances of the case, the Panel is of the view that the proceeding should continue. The Panel will therefore proceed to render its Decision.

6.2. Substantive Considerations

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

The requested remedy may only be granted if the above criteria are met. At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”. See section 4.2 of the [WIPO Overview 3.0](#).

A. Identical or Confusingly Similar

Under the first element, the Complainant must establish that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds valid ESTAFETA trademark registrations. The Domain Name incorporates this trademark in its entirety. As numerous UDRP panels have held, incorporating a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to that trademark. See *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS COMPUTER INDUSTRY (a/k/a EMS)*, WIPO Case No. [D2003-0696](#).

The generic Top-Level Domain “.org” in the Domain Name is viewed as a standard registration requirement and as such is typically disregarded under the first element test. See section 1.11.1 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Domain Name is identical to the Complainant’s ESTAFETA trademark for purposes of the Policy. In sum, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Name.

A right or legitimate interest in the Domain Name may be established, in accordance with paragraph 4(c) of the Policy, if the Panel finds any of the following circumstances:

- (i) that the Respondent has used or made 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 prior to the dispute; or
- (ii) that the Respondent is commonly known by the Domain Name, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is 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.

The Panel finds that the Respondent has established rights or legitimate interests in the Domain Name in this case. In particular, the Panel is satisfied that, before notice of the dispute, the Respondent used the Domain Name in connection with a bona fide offering of goods and services. See section 2.2. of the [WIPO Overview 3.0](#).

The evidentiary record before the Panel shows that the Domain Name was registered on February 3, 2010, and the company Estafeta Communications LLC was incorporated in Ukraine on February 2, 2011. The Respondent has demonstrated that, well before notice of the dispute, it used the Domain Name in connection with its business activities, namely the “ESTAFETA Automotive” platform providing vehicle inspection, electronic claiming, analytics, communication tools, and related IT solutions.

Furthermore, the Complainant has not put forth specific evidence that the Respondent was targeting the Complainant’s mark when registering the Domain Name and selecting a business name. The Respondent’s evidence shows that the Respondent has consistently used and is still using the Domain Name only in association with the Website that promotes its software and related services. Such a finding is further supported by the Ukrainian copyright registration and related assignment documentation concerning the software “ESTAFETA Automotive,” as well as Ukrainian Trademark Registration for E, No. 147682 (combined mark), registered on November 10, 2011, which is used as a logo on the Respondent’s Website and mobile applications. Nothing in the record indicates that the Respondent has ever sought to target the Complainant or to associate its business with the Complainant’s brand. To the contrary, the evidence supports that the Respondent is using the Domain Name in connection with a bona fide offering of goods and services within its own field of activity. The Panel therefore concludes that, on the basis of the evidentiary record in this proceeding, the Complainant has failed to prove the absence of rights or legitimate interests on the part of the Respondent.

For the purposes of this administrative proceeding, the Complainant has not overcome the Respondent’s evidence demonstrating rights or legitimate interests for the purposes of the Policy. The Panel emphasizes, however, that the Complainant may pursue other remedies in a different forum, and that this Decision should not be construed as a final determination of the Parties’ respective trademark rights beyond the narrow issues considered under the Policy.

In sum, the Panel finds the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

Under the third element, the Complainant must prove that the Domain Name has been registered and is being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark. See section 3.1 of the [WIPO Overview 3.0](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

- (i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct; or
- (iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or

(iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

Although it is unnecessary for the Panel to reach a finding on bad faith in light of its conclusion on rights and legitimate interests, the Panel notes that the record does not indicate that the Respondent's aim in registering the Domain Name was to profit from or exploit the Complainant's trademark. On the contrary, the evidence does not support a finding of bad faith targeting of the Complainant or its trademark by the Respondent.

In sum, the Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Piotr Nowaczyk/

Piotr Nowaczyk

Sole Panelist

Date: October 6, 2025