

## **ADMINISTRATIVE PANEL DECISION**

Estafeta Mexicana, S.A. De C.V. v. Wilson Ortolani Neto  
Case No. D2025-3361

### **1. The Parties**

The Complainant is Estafeta Mexicana, S.A. De C.V., Mexico, represented by Cyslaw, Mexico.

The Respondent is Wilson Ortolani Neto, Portugal.

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

The disputed domain name <istafeta.com> is registered with Register SPA (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 20, 2025. On August 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 22, 2025, the Registrar transmitted by email to the Center its verification response confirming that the 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 the Respondent of the Complaint, and the proceedings commenced on August 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2025. The Response was filed with the Center on September 15, 2025, accepting the transfer of the disputed domain name to the Complainant.

Given the terms of the Response, the proceedings were suspended until October 24, 2025, so that the Parties could reach a settlement. The proceedings were reinstituted on October 28, 2025, not having the Respondent signed the settlement form.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on November 3, 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 company founded in 1979, engaged in providing parcel delivery services. It presently employs 12,400 people and operates a fleet of approximately 5,000 vehicles, offering services in Mexico and the United States of America.

The Complainant is the owner, amongst others, of the following trademark registrations (Annexes 4 and 5 to the Complaint):

- Mexico Trademark Registration No. 2042803 for the word mark ESTAFETA, registered on September 26, 2019, in class 35;

- Costa Rica Trademark Registration No. 105660 for the word mark ESTAFETA, registered on February 3, 1998, successively renewed, in class 38; and

- Uruguay Trademark Registration No. 520697 for the word mark ESTAFETA, registered on August 3, 2022, in class 38.

The disputed domain name was registered on February 13, 2025, and presently resolves to an active webpage offering delivery services in the region of Leiria, Portugal.

#### **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 its ESTAFETA trademark has achieved consumer recognition not only through its website and advertising, but also through its registered trademarks in multiple countries (including Mexico) and its reputation as a solid company and leader in express courier services.

According to the Complainant, the disputed domain name is confusingly similar to the ESTAFETA trademark, only differing by the replacement of the first letter "e" to "i" however maintain a similar phonetic appearance, what is heightened by the offer of the same product delivery services at the website available at the disputed domain name.

As to the lack of rights or legitimate interests, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, not owning any trademark registration for such; further having used the disputed domain name in connection with the same services and without any authorization to do so from the Complainant, the sole owner of the ESTAFETA trademark.

Lastly, the Complainant sustains that, given the equivalent phonetical values of "e" and "i" in the disputed domain name, the Respondent clearly targeted the Complainant, offering similar services in an intentional attempt to attract, for commercial gain, Internet users to a website offering services related to the delivery and distribution of products, creating confusion among the public as to the origin, sponsorship, affiliation, or connection with the Complainant.

## **B. Respondent**

In his Response the Respondent acknowledges that the Complainant has established rights in the ESTAFETA trademark and consents to the remedy requested by the Complainant, agreeing to the transfer of the disputed domain name.

## **6. Discussion and Findings**

### **6.1. Procedural matter – Respondent's consent**

Firstly, the Panel has to address the Respondent's acceptance as to the voluntary transfer of the disputed domain name without findings of fact or conclusions as to the merits of the case under the UDRP.

A UDRP panel may at its discretion order the transfer of the domain name if the respondent has given its unambiguous consent to transfer without findings under the Policy, paragraph 4(a). [WIPO Overview 3.0](#), section 4.10. Some UDRP panels have declined to grant a remedy solely on the basis of respondent's consent where the complainant objects or because the panel finds a broader interest in reaching a substantive determination.

In the present case, considering all the circumstances of the present case and the fact that the Complainant informed the Center that the Parties "have not been able to reach an agreement", the Panel will proceed to a decision on the merits, and analyze the three requisite elements under paragraph 4(a) of the Policy.

### **6.2. Substantive matter**

Paragraph 4(a) of the Policy sets forth the following three requirements which the Complainant must meet in order for the Panel to order the transfer of the disputed domain name:

- (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.

### **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 Panel finds the mark is recognizable 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 1.9.

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, which has been used for rendering competing services to those of the Complainant.

The Respondent has furthermore recognized not having interest in the disputed domain name and expressed his consent to transfer the disputed domain name to the Complainant.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

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.

In this case, both the registration and use of the disputed domain name in bad faith can be found pursuant to Policy, paragraph 4(b)(iv) in view of the use of the disputed domain name to offer competing parcel delivery services, which creates a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement thereof.

For the reasons above, the Respondent's conduct has to be considered, in this Panel's view, as bad faith registration and use of the disputed domain name pursuant to paragraph 4(b)(iv) 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 <istafeta.com> be transferred to the Complainant.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: November 10, 2025