

## **ADMINISTRATIVE PANEL DECISION**

Carvana, LLC v. Victor Manuel Alvarado  
Case No. D2025-4272

### **1. The Parties**

The Complainant is Carvana, LLC, United States of America (“United States” or “US”), represented by Carvana, LLC, United States.

The Respondent is Victor Manuel Alvarado, Mexico.

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

The disputed domain name <carvanamex.com> is registered with Akky Online Solutions, S.A. de C.V. (the “Registrar”).

### **3. Procedural History**

The Complaint, which originally included an additional domain name, was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 17, 2025. On October 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 21, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 23, 2025, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint given that the two disputed domain names were apparently owned by two different people. The Complainant filed an amended Complaint in English on October 28, 2025. On its amended Complaint, *inter alia*, the Complainant withdrew the second disputed domain name from this proceeding.

On October 23, 2025, the Center informed the Parties in Spanish and English, that the language of the Registration Agreement for the disputed domain name is Spanish. On October 28, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in Spanish and English of the Complaint on November 4, 2025. Shortly after the notification of the Complaint, the Registrar revealed that, due to an administrative oversight, it has disclosed the wrong registrant information.

Consequently, on November 14, 2025, the Center issued a communication informing the Complainant and the previous Respondent of this error and informed that it would contact the Complainant regarding the underlying registrant of the disputed domain name.

The Center sent an email communication to the Complainant on November 14, 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 in English on November 14, 2025.

The Center verified that the Complaint and 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 in Spanish and English of the Complaint, and the proceedings commenced on November 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 10, 2025.

The Center appointed Miguel B. O'Farrell as the sole panelist in this matter on December 16, 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 an e-commerce platform for buying and selling used cars.

The Complainant is a Fortune 500 company that promotes and renders its online vehicle dealership services and online vehicle financing services throughout the United States under its trademark CARVANA and through its primary website, "www.carvana.com", which hosts its e-commerce platform.

The Complainant holds rights in several trademark registrations (jointly with another entity) for the CARVANA mark and variations thereof in the US, including the following.

US Trademark Registration No. 4,328,785 CARVANA, registered on April 30, 2013, for online dealership services featuring automobiles in International Class 35, and online financing services in the field of automobile loans in International Class 36;

US Trademark Registration No. 4,971,997 CARVANACARE, registered on June 7, 2016, for extended warranty services, namely service contracts; providing extended warranties on automobiles, in International Class 36; and

US Trademark Registration No. 6,037,292 CARVANA, registered on April 21, 2020, for online dealership services featuring automobiles, in International Class 35, online financing services in the field of automobile loans; extended warranty services, namely, service contracts; providing extended warranties on automobiles, in International Class 36, and shipping, pickup, and delivery services for automobiles in International Class 39.

The disputed domain name <carvanamex.com> was registered on August 15, 2025 and resolved to a website (currently not available for inspection) displaying the Complainant's stylized mark and offering car dealership services and featuring text such as "At Carvana Mexico, we ..." and "Our team".

## **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 Respondent is engaged in the unauthorized use of the Complainant's registered trademarks, as the disputed domain name contains the Complainant's CARVANA marks exactly and merely adding the letters "mex" at the end, to indicate the country of Mexico, as well as hosting infringing content of a copycat phishing site.

In essence, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's CARVANA marks; the Respondent lacks any rights or legitimate interests in the disputed domain name; and the Respondent registered and continues to use the disputed domain name in bad faith.

The Panel should grant the Complainant relief and order the transfer of the disputed domain name to the Complainant.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issues - Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Spanish. 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 Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the website associated with the disputed domain name is a copycat of an American, English-speaking company's site, the Complainant is based in the US and conducting the proceeding in Spanish would create an undue burden for the Complainant and delay the proceeding.

Despite the Center having sent the notification of the Complaint, in both Spanish and English, the Respondent did not make any submission with respect to the language of the proceeding or submit any Response.

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 WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1.

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.

## 6.2 Substantive Issues

### 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 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 1.7.

Although the addition of other terms here, "mex" in the disputed domain name may bear on assessment of the second and third elements, the Panel finds that such differences do not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 names. 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.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: impersonation / passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

The Panel is satisfied that the Respondent must have been aware of the Complainant's business and trademark CARVANA mentioned in section 4 above (Factual Background) and also the Complainant's website when the Respondent registered the disputed domain name. By that time the Complainant had registered and had been using the trademark CARVANA for many years.

By registering the disputed domain name, the Respondent was targeting the Complainant and its business by incorporating the Complainant's trademark CARVANA in its entirety.

The use made by the Respondent's website at the disputed domain name would lead Internet users to mistakenly think that the website is an official website of the Complainant, or endorsed by it, and thereby the Respondent could capitalize on the reputation of the trademark CARVANA for its own commercial benefit.

The clear absence of rights or legitimate interests coupled with no explanation for the Respondent's choice of the disputed domain name, the nature of the disputed domain name and the use to which it has been put, are indicative of bad faith (as stated in section 3.2.1 of [WIPO Overview 3.0](#)).

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 <carvanamex.com> be transferred to the Complainant.

*/Miguel B. O'Farrell/*

**Miguel B. O'Farrell**

Sole Panelist

Date: December 30, 2025