

## ADMINISTRATIVE PANEL DECISION

Elecnor, S.A. v. jioskar jioskar

Case No. D2025-4416

### 1. The Parties

The Complainant is Elecnor, S.A., Spain, represented by Clarke, Modet y Cia. S.L., Spain.

The Respondent is jioskar jioskar, United States of America.

### 2. The Domain Name and Registrar

The disputed domain name <elecnor-mx.com> is registered with Name SRS AB (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 27, 2025. On October 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 29, 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 (Registrant name: PROTECTED. “*Privacy service*”) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 29, 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 October 30, 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 October 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 20, 2025.

The Center appointed Daniel Peña as the sole panelist in this matter on November 24, 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**

With nearly 60 years, the Complainant is known in the infrastructure, renewable energy and technology sectors. According to the Complainant, it is an organization made up of 24,000 workers.

The Complainant claims submits to be the owner of a large number of trademarks named ELECNOR around the world, registered in, among other countries: Mexico, Spain, European Union, Angola, Panama, Uruguay, Canada, Australia, Argentina, Honduras, Brazil, Dominican Republic, South Africa, Venezuela, El Salvador, Algeria, Ghana, Morocco, United States of America, Ukraine, United Kingdom.

The Complainant's registered trademarks include:

- Brazilian Trademark Registration No. 840188471, ELECNOR & logo, registered on January 23, 2018;
- European Union Trademark Registration No. 9496746, ELECNOR & logo, registered on April 4, 2011;
- European Union Trademark Registration No. 10572857, ELECNOR & logo, registered on June 15, 2012;
- European Union Trademark Registration No. 18631881, GRUPO ELECNOR & logo, registered on May 11, 2022.
- Spanish Trademark Registration No. 1159100, ELECNOR & logo, registered on June 05, 1987;
- Spanish Trademark Registration No. 2957988, ELECNOR & logo, registered on November 30, 2010;
- Spanish Trademark Registration No. 2926116, ELECNOR & logo, registered on February 23, 1990;
- United Kingdom Trademark Registration No. UK00910572683, ELECNOR & logo, registered on June 15, 2012;
- Mexican Trademark Registration No. 1335493, ELECNOR & logo, registered on November 30, 2012;
- Mexican Trademark Registration No. 1335494, ELECNOR & logo, registered on November 30, 2012;
- United States Trademark Registration No. 4394394, ELECNOR & logo, registered on September 3, 2013.

The Respondent registered the disputed domain name on September 17, 2025. The disputed domain name resolves to an inactive website.

#### **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 disputed domain name is confusingly similar to its registered trademark ELECNOR. The disputed domain name reproduces the mark in its entirety, with the mere addition at the end of the suffix "mx," which corresponds to the ISO 3166-1 country code for Mexico and reinforces the impression of a Mexican version of the Complainant's website. Such addition does not confer distinctiveness but rather increases the likelihood of confusion.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has never been commonly known by the disputed domain name, has not acquired

trademark rights in the name, and has no relationship with or authorization from the Complainant. The cease-and-desist letters sent on September 26, 2025 and October 3, 2025 by the Complainant, elicited no response. UDRP panels have consistently held that domain names identical to a complainant's trademark carry a high risk of implied affiliation, and that the addition of terms such as "mx" does not constitute fair use where it impersonates or suggests sponsorship. On this basis, the Complainant submits that the Respondent lacks any rights or legitimate interests.

The Complainant argues that the Respondent registered and used the disputed domain name in bad faith. The disputed domain name reproduces the Complainant's trademark logo and simulates a login page, evidencing intent to obtain confidential information from Elecnor's clients.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, for the transfer of the disputed domain name the Complainant must establish that: (i) the disputed 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 respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith. The Rules provide that if the Respondent does not comply with the time periods established, or with any provision or requirement under paragraph 14 of the Rules, the panel shall proceed to a decision on the complaint and draw such inferences as it considers appropriate. Pursuant to paragraph 15(a) of the Rules, a panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. The Panel has reviewed the case and found the following:

### **A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant has provided evidence of its rights in the trademark ELECNOR based on multiple trademark registrations, including registrations in Mexico, Brazil, Spain, the United Kingdom and the European Union.

The Panel finds that the Complainant has shown rights in respect of the trademarks for the purposes of the Policy (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.2.1). The Panel finds that the disputed domain name is confusingly similar to the Complainant's ELECNOR trademarks. The Respondent's incorporation of the Complainant's mark in full in the disputed domain name is evidence that the disputed domain name is confusingly similar to the Complainant's marks. [WIPO Overview 3.0](#), section 1.7.

Although the inclusion of additional terms — such as the ISO code for Mexico "MX" and a hyphen may be relevant to the assessment of the second and third elements, the Panel considers that such additions do not preclude a finding of confusing similarity between the disputed domain name and the mark under the Policy. See [WIPO Overview 3.0](#), section 1.8.

Furthermore, the generic Top-Level Domain, ".com" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. The Panel is satisfied that the disputed domain name is confusingly similar to the Complainant's mark and the Complainant has satisfied the first requirement 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. 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.

The Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. 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. Based on the information submitted by the Complainant, the Complainant has not granted the Respondent authorization to register or use the disputed domain name.

Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name. Finally, the Respondent did not respond to the Complainant’s contentions.

The Panel finds that the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration and use of a disputed domain name in bad faith: (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant (the owner of the trademark or service mark) or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; (ii) the 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 the respondent has engaged in a pattern of such conduct; (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website or location or of a product or service on its website or location.

In the Panel’s view, a finding of bad faith may be made where the Respondent “knew or should have known” of the Complainant’s trademark rights prior to registering the disputed domain name. In this case, the Complainant submits that, at the date of registration of the disputed domain name, the Respondent would have had actual knowledge of the Complainant’s mark ELECNOR, given its longstanding international reputation and its extensive trademark portfolio.

The Panel’s bad faith finding is reinforced by the construction of the disputed domain name, which reproduces the Complainant’s mark in its entirety with the mere addition at the end of the suffix “MX” and a hyphen. This suffix corresponds to the ISO 3166-1 country code for Mexico and thereby misleadingly suggests that the disputed domain name represents the Mexican version of the Complainant’s official site. Such composition is designed to create confusion regarding the source, sponsorship, affiliation, or endorsement of the website. It reflects a deliberate attempt to impersonate the Complainant and mislead users.

The Respondent's failure to reply to cease-and-desist letters sent on September 26, 2025 and October 3, 2025, together with the registrar's suspension of the disputed domain name, further supports the inference of bad faith.

The Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith.

Accordingly, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The third element of paragraph 4(a) of the Policy has therefore been established.

## **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 <elecnor-mx.com> be transferred to the Complainant.

*/Daniel Peña/*

**Daniel Peña**

Sole Panelist

Date: December 8, 2025