

ADMINISTRATIVE PANEL DECISION

Agrosuper S.A. v. travor mccooy
Case No. D2025-4604

1. The Parties

The Complainant is Agrosuper S.A., Chile, represented by Alessandri & Compañía Abogados, Chile.

The Respondent is travor mccooy, South Africa.

2. The Domain Name and Registrar

The disputed domain name <agrosuper-ar.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed in Spanish with the WIPO Arbitration and Mediation Center (the "Center") on November 6, 2025. On November 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 10, 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 (HOSTINGER operations, UAB) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 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 in Spanish on November 14, 2025.

On November 11, 2025, the Center informed the parties in English and Spanish, that the language of the registration agreement for the disputed domain name is English. On November 14, 2025, the Complainant submitted an English translation of the amended Complaint and requested that Spanish be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in English and Spanish 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 12, 2025.

The Center appointed Martin Michaus Romero as the sole panelist in this matter on December 18, 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 one of the leading Chilean conglomerates in the food industry, with a history of over 65 years. Since its beginning in 1955 with the production of eggs, it has grown exponentially to become one of the main producers of animal protein in Chile and one of the mayor control players.

There activities are concentrated in the production and marketing of chicken, pork, and turkey meat, operating under the recognized brands such as "Super Pollo", "Super Cerdo", and "Sopraval".

Additionally, the aquaculture segment is a fundamental pillar, with the production of salmon under brands such as "AquaChile" and "Super Salmon". Beyond fresh meat, the Complainant is known for its wide range of processed and prepared products, including cold cuts, hamburgers, and other value-added products.

The Complainant has an extensive national distribution network, consisting of 29 branches in Chile.

Internationally, the Complainant maintains a strong export presence, taking its products to over 60 countries on four continents. Its main markets include Japan, Republic of Korea, China, the United States of America, Mexico, and the European Union, supported by strategically located commercial offices. This global expansion consolidates its position as one of the influential players in the global protein market.

The Complainant has registered the AGROSUPER trademark with the Chilean National Industrial Property Institute (INAPI) in different classes. For example, the Complainant is the owner of Chilean trademark registration No. 1021285, registered on January 30, 2013, in class 29.

Likewise, the AGROSUPER trademark is registered in a large number of countries, including Argentina. For example, the Complainant is the owner of Argentinian trademark registration No. 3064126, registered on March 10, 2020, in class 29.

The Complainant holds several domain names, such as <agrosuper.com>, <agrosuper.cl>, <agrosuperchile.com>, <agrosuperfoods.cl>, <agrosuperventas.cl>, <agrosupermatriz.cl>, <grupoagrosuper.cl>, <matrizagrosuper.cl>.

The disputed domain name <agrosuper-ar.com> was registered on July 30, 2025, and it does not resolve to any active 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.

The Complainant contends that:

- a) The disputed domain name is confusingly similar to its trademark.
- b) It has not licensed or otherwise permitted the Respondent to use AGROSUPER trademark or any other variations or combination thereof, or to register or use a domain name incorporating its trademark, any variations or combination thereof.
- c) The Respondent is not making legitimate noncommercial or fair use of the disputed domain name.
- d) There is no doubt that the respondent was aware of the existence of the Complainant's trademark and of the business activities. The Respondent has intentionally attempted to attract Internet users to the disputed domain name for profit.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is English. 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 proceedings shall be the language of the registration agreement.

The Complaint was filed in Spanish, and the Complainant submitted the amended Complaint in Spanish together with an English translation. The Complainant requested that the language of the proceeding be Spanish for several reasons, including the fact that the country in question for which the disputed domain name is intended, and where business is to be directed is Argentina, in which the official language is Spanish, therefore, the Respondent has clearly knowledge of that language.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

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, including the Respondent's location, and that the language of the Registration Agreement for the disputed domain name is English, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed domain name 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 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 entirety of the mark is reproduced 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 like "-ar" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does 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 with 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. 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.

The Panel considers that the incorporation of the AGROSUPER trademark in the disputed domain name will cause confusion among Internet users, making them believe that the disputed domain name is associated with or has the same origin of the Complainant's sites.

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

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel considers that the Respondent should have been aware of the existence of the Complainant's well-known trademark, the business activities of the Complainant, and the Complainant's several domain names. More likely than not, the Respondent targeted the Complainant and registered the disputed domain name in bad faith.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain name, and the failure of the Respondent to submit a response and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the disputed domain name was registered and being used in bad faith, and 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 <agrosuper-ar.com> be transferred to the Complainant.

/Martin Michaus Romero/

Martin Michaus Romero

Sole Panelist

Date: December 24, 2025