

## **ADMINISTRATIVE PANEL DECISION**

Estafeta Mexicana, S.A. de C.V. v. Tsang C hoi Yan  
Case No. D2025-4610

### **1. The Parties**

The Complainant is Estafeta Mexicana, S.A. de C.V., Mexico, represented by Calderón & De La Sierra, Mexico.

The Respondent is Tsang C hoi Yan, Hong Kong, China.

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

The disputed domain name <estafetac.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on November 6, 2025. On the following day, 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 that differed from the named Respondent (THE INFORMATION IS PRIVATE) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 12, 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 in Spanish and English on November 14, 2025 and an amended Complaint in English on November 20, 2025.

On November 12, 2025, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On November 20, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

The Center verified that the Complaint together with the amendment to 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 of the Complaint in Chinese and English, and the proceedings commenced on November 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 18, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on December 23, 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 1979, provides courier and logistics services. It currently employs more than 12,400 people with 129 distribution centers and three logistics hubs located in Mexico. It also has its own cargo airline, named Estafeta Carga Aérea. The Complainant holds multiple trademark registrations in multiple jurisdictions, including the following Mexican trademark registrations:

- numbers 546615 and 548675, both for a figurative ESTAFETA mark, registered on April 24, 1997, and May 23, 1997, specifying services in classes 39 and 38, respectively; and
- numbers 2042803 and 2042804, both for ESTAFETA, both registered on September 26, 2019, with claims of first use in Mexico on August 21, 1979, specifying services in classes 35 and 39, respectively.

The above trademark registrations are current. The Complainant has also registered the domain name <estafeta.com> that it uses in connection with a website in Spanish and English where it provides information about itself and offers its courier services<sup>1</sup>.

The Respondent is an individual based in Hong Kong, China.

The disputed domain name was registered on December 20, 2024. It does not resolve to any active website; rather, it is passively held.

#### **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 and even practically identical to its ESTAFETA mark. In September 2020, the Mexican Institute of Industrial Property recognized the ESTAFETA brand as a well-known trademark, with more than 92 trademark registrations in Mexico.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent used the disputed domain name (a registered trademark of the Complainant) without any authorization to do so and with the sole purpose of preventing the Complainant from acquiring the disputed

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<sup>1</sup>The Panel notes its general powers articulated inter alia in paragraphs 10 and 12 of the Rules and has visited the Complainant's website, to which the Complaint made reference and which is publicly available at "www.estafeta.com", to verify statements made by the Complainant regarding its business. The Panel considers this process of verification useful in assessing the case merits and reaching a decision. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.8.

domain name with the “.com” extension, where it could include its trademark and thereby prevent potential customers from accessing the products and services offered by the Complainant through digital media, both in Mexico and in other countries.

The disputed domain name was registered and is being used in bad faith. The disputed domain name phonetically reproduces in an almost identical manner the distinctive sign of the Complainant, so that its use is intended intentionally 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 of that site with the Complainant. A third-party domain name broker's search platform offers the option of hiring a domain name manager to attempt to acquire the disputed domain name, which shows that the owner is open to negotiation in order to obtain financial gain from the Complainant's trademark. The Complainant's trademark has been registered as a domain name with the aim of sending malicious messages or emails for cybersquatting, typosquatting, phishing, and profit grabbing.

## **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 Chinese. 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, arguing that conducting the proceedings in Chinese would place it at a procedural disadvantage, as it might not clearly understand a Chinese translation of the Complaint nor a Response in Chinese.

Despite the Center sending an email regarding the language of the proceeding and the written notification of the Complaint in both Chinese and English, the Respondent did not comment on the language of the proceeding or express any interest in otherwise participating in this 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 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. The Panel would have accepted a Response in Chinese, but none was filed.

### **6.2 Substantive Issues**

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (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.

The burden of proof of each element is borne by the Complainant.

### **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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the ESTAFETA trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ESTAFETA mark is reproduced within the disputed domain name. Despite the addition of the letter "c" after the mark, the mark remains clearly recognizable within the disputed domain name. The only additional element in the disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name does not resolve to any active website; rather, it is passively held. The Complainant submits that the Respondent has received no authorization to use the disputed domain name incorporating its trademark. These circumstances do not indicate that the Respondent is using the disputed domain name in connection with a bona fide offering of goods and services for the purposes of the Policy, nor that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

Further, the Registrar has verified that the Respondent's name is "Tsang C hoi Yan", which does not resemble the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

The Panel has taken note that "estafeta" is a Spanish dictionary word with various meanings such as "post office"<sup>2</sup>. However, the disputed domain name is not identical to that word and the Respondent is not using the disputed domain name in any dictionary sense of that word.

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<sup>2</sup>See the definitions (in Spanish) in the "Diccionario de la Lengua Española" (Dictionary of the Spanish Language) of the Real Academia Española (Royal Spanish Academy), publicly available at <https://dle.rae.es/estafeta>.

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.

Based on the record, 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. See [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the disputed domain name was registered in 2024, years after the registration of the Complainant's ESTAFETA mark. The disputed domain name wholly incorporates that mark, with only the addition of the letter "c" and a gTLD extension. The disputed domain name has no meaning, as far as the Panel is aware. The Complainant's mark has acquired a significant reputation in the courier sector due to its longstanding use, including online. The disputed domain name can be read not only as a misspelling of the Complainant's ESTAFETA mark, but also as a mistyping of the Complainant's domain name <estafeta.com> (where the "c" is duplicated). The Respondent provides no explanation for his choice to register the disputed domain name. In view of these circumstances and the findings in Section 6.2B above, the Panel finds it more likely than not that the Respondent registered the disputed domain name with the Complainant's mark in mind.

As regards use, there is no evidence that the disputed domain name is for sale or that it has been actively used either for email or with a website. However, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. See [WIPO Overview 3.0](#), section 3.3. The Complainant provides evidence that the top results of an Internet search for "estafetac" all relate to itself. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, and the composition of the disputed domain name, 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.

Therefore, 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 <estafetac.com> be transferred to the Complainant.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: December 29, 2025