

ADMINISTRATIVE PANEL DECISION

ESTAFETA MEXICANA, S.A. DE C.V. v. Arturo Flores
Case No. D2025-4618

1. The Parties

The Complainant is ESTAFETA MEXICANA, S.A. DE C.V., Mexico City, represented by Calderón & de la Sierra, Mexico.

The Respondent is Arturo Flores, Colima, Mexico.

2. The Domain Name and Registrar

The disputed domain name <estafota.com> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed 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 (THE INFORMATION IS PRIVATE) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 10, 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 amended Complaint on the same date.

The Center verified that the Complaint together with the amendment to 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 November 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 9, 2025. The Response was filed with the Center on December 9, 2025.

The Center appointed Reynaldo Uriaga Escobar 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.

The proceeding is conducted in English, this being the language of the disputed domain name's registration agreement, as confirmed by the Registrar.

4. Factual Background

The Complainant is a Mexican corporation founded in 1979 that provides courier and logistics services, including express delivery, air cargo, and freight services.

The Complainant currently employs more than 12400 people, with a fleet of approximately 5000 vehicles, 129 distribution centers, three logistics hubs (San Luis Potosí, Veracruz, and Mexico City) and its own cargo airline, "Estafeta Carga Aérea", which operates in both Mexico and the United States of America.

The Complainant owns, inter alia, the following Mexican registrations over the trademark ESTAFETA:

No. 546615, registered on April 24, 1997, in class 39 (courier and parcel services);

No. 548675, registered on May 23, 1997, in class 38 (communications services);

No. 2042803, registered on September 26, 2019, in class 35 (advertising); and

No. 2042804, registered on September 26, 2019, in class 39 (pickup, transportation, and delivery of parcels, documents, and goods).

The Complainant operates a website at "www.estafeta.com".

The disputed domain name was registered on November 10, 2024, and has since resolved to an inactive webpage displaying the words "STATIC WEBSITE HOSTING IN AWS S3".

5. Parties' Contentions

A. Complainant

The Complainant submits that:

- (i) On September 2020, the Mexican Institute of Industrial Property recognized the ESTAFETA trademark to be well known, with more than 92 trademark registrations in Mexico;
- (ii) The disputed domain name is confusingly similar and practically identical to Complainant's registered ESTAFETA trademarks from a visual and aural perspective;
- (iii) The disputed domain name substantially reproduces the ESTAFETA trademark registrations, merely with the letter "o", which minimal difference is not distinctive and does not prevent the consumer, at first glance, from associating the disputed domain name with the Complainant's official website;
- (iv) The ESTAFETA registered trademark is the sole and exclusive property of the Complainant, who is the only entity having rights or legitimate interests in the disputed domain name;

- (v) The disputed domain name is intended to create confusion among the public as to the origin, sponsorship, affiliation, or connection with the Complainant;
- (vi) The GoDaddy search platform offers the option of hiring a manager to purchase the disputed domain name, showing that the Respondent is willing to financially profit from the ESTAFETA trademark;
- (vii) The Respondent registered the disputed domain name with knowledge of the Complainant's ESTAFETA mark and without Complainant's authorization.

B. Respondent

The Respondent submits that:

- (i) It registered the disputed domain name because "estafota", which means great scam in Spanish, is a humorous term;
- (ii) The disputed domain name has never been used commercially, has never displayed ads, has never been associated with logistics, and has never referenced the ESTAFETA trademark;
- (iii) The disputed domain name resolves to a placeholder page;
- (iv) The high listing price of USD 40000 was simply a technical test of the Registrar's "for sale" feature and not a serious attempt to sell the disputed domain name, much less to the Complainant;
- (v) The disputed domain name has not hosted content capable of creating confusion of any kind;
- (vi) The playful nature of the term estafota affords Respondent a legitimate interest in the disputed domain name;
- (vii) UDRP panels consistently hold that in the absence of intent to confuse Internet users, wordplay, parody, and humorous expressions can support legitimate noncommercial use of the disputed domain name;
- (viii) The disputed domain name has not targeted the Complainant's ESTAFETA trademark.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed in this administrative proceeding, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to trademarks or service marks 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 was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules, and any other rules or principles of law that the Panel deems applicable.

A. Identical or Confusingly Similar

It is well settled 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 produced registration certificates, notices of renewal, and acknowledgements of use issued by the Mexican Trademark Office in connection with the ESTAFETA marks identified in section 4 above.

The Panel has corroborated in Mexico's official trademark database that the ESTAFETA registered marks relied on in the Complaint are in good standing.

Accordingly, the Panel is satisfied that the Complainant has shown rights in the ESTAFETA marks as required by Policy paragraph 4(a)(i). [WIPO Overview 3.0](#), section 1.2.1.

Now, to the naked eye, the ESTAFETA marks are recognizable within the disputed domain name despite the replacement of the letter "e" in the "feta" portion of the Complainant's mark with the letter "o" in the "fota" segment of the Respondent's domain name as this discrepancy is negligible. See *Teva Pharmaceutical Industries Limited v. Joseph Waweru, Joseph Waweru*, WIPO Case No. [D2022-0955](#) (a hyphen and the letter "s" in the domain name <teva-pharms.com> are considered by the panel to be alterations which do not prevent a finding of confusing similarity as the complainant's TEVA and TEVAPHARM marks are clearly recognizable within the domain name). [WIPO Overview 3.0](#), section 1.9.

Although generic Top-Level-Domains ("gTLDs") may bear on assessment of the second and third elements, the Panel finds the ".com" particle of the disputed domain name's string does not preclude a finding of confusing similarity under the Policy. It is moreover well accepted that a gTLD, in this case ".com", is typically disregarded when assessing the similarity between a trademark and a domain name. [WIPO Overview 3.0](#), section 1.11.1.

In sum, the disputed domain name is held to be confusingly similar to the ESTAFETA marks in which the Complainant has rights.

Based on the available record, 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 Complaint and exhibits thereto, 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 Panel is unconvinced of the Respondent's parody defense based on the purportedly humorous and playful nature of "estafota" in Spanish, as said term is allegedly used in Mexico.

Even if the term embodied by the disputed domain name may have the meaning attributed by the Respondent, such vernacular Mexican expression, in and of itself, would not by itself confer the Respondent legitimate interests in the disputed domain name for the reasons set out below.

First, because the ESTAFETA marks are famous in Mexico, as elaborated in the third element, and the disputed domain name is inherently confusing with the Complainant's famous marks.

Second, because the voidness of the webpage to which the disputed domain name has resolved for more than a year now detracts from the alleged humoristic rationale behind the creation of the disputed domain name.

And third, because the Respondent has not produced a shred of evidence supporting its alleged legitimate interests stemming from a purported humorous use of the disputed domain name. In other words, the Respondent does not bother to explain, much less prove, what the "estafota" (great scam) is all about in the supposed humorous context in which it registered the disputed domain name.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Pursuant to Policy, paragraph 4(a)(iii), in order to be granted relief, the Complainant must show that the disputed domain name was registered and is being used in bad faith.

Paragraph 4(b) of the Policy sets forth the following non-exhaustive grounds of bad faith registration and use:

- "(i) circumstances indicating that you [the respondent] have registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your [the respondent's] documented out-of-pocket costs directly related to the domain name; or
- (ii) you [the respondent] have 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 you [the respondent] have engaged in a pattern of such conduct; or
- (iii) you [the respondent] have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you [the respondent] have intentionally attempted to attract, for commercial gain, Internet users to your [the respondent's] 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 your [the respondent's] website or location or of a product or service on your [the respondent's] website or location."

In the Policy context, bad faith is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the [WIPO Overview 3.0](#).

The Panel takes notice of the fame status recognized in Mexico to the ESTAFETA mark, as declared by the Mexican Trademark Office on August 31, 2020.¹

As a matter of principle, the Mexican Trademark Office issues a declaration of fame in respect of a mark when, after reviewing profuse evidence submitted by the mark's owner, it is convinced that such mark is known by the majority of the Mexican consuming public.²

A declaration by the Mexican Trademark Office holding a mark to be famous is initially valid for five years.³

It follows that the Mexican Trademark Office's declaration holding the ESTAFETA mark to be famous in Mexico was in force, and took legal effect against the Respondent, who is domiciled in Mexico, at the time of registration of the disputed domain name. See *AXA SA v. Daniel Hernández*, WIPO Case No. [DMX2025-0013](#) (the complainant's AXA mark was declared famous in Mexico by the Mexican Trademark Office and the respondent, who is domiciled in Veracruz, Mexico, took unfair advantage of said mark's fame status by registering the domain name <axacapital.mx>).

Under these circumstances, the Panel finds the Respondent took unfair advantage of the fame associated with the ESTAFETA mark in Mexico by registering a domain name virtually identical to the Complainant's famous mark, and by putting the disputed domain name up for sale in USD 40000, as conceded by the Respondent. Furthermore, the Panel does not readily accept the supposed purpose of the offer for sale as some sort of test of the Registrar's system.

Contrary to the Respondent's unsupported allegations, the Panel is of the view that the evidence shows that the Respondent targeted the Complainant's famous mark and sought to unfairly profit from such fame.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, and the failure of the Respondent to provide any evidence of actual or contemplated good-faith use. Therefore, the Panel 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 Complainant has discharged its burden in relation to paragraph 4(a)(iii) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(a) of the Policy and 15 of the Rules, the Panel orders that the domain name <estafota.com> be transferred to the Complainant.

/Reynaldo Uriaga Escobar/

Reynaldo Uriaga Escobar

Sole Panelist

Date: January 6, 2026

¹ See "Declaration of Fame over the ESTAFETA mark" issued under docket M.F. 3431/2019 (G-20) 43413, in the Mexican Industrial Property Gazette of August 2020, published on September 18, 2020, at pp. 71-157. The Mexican Industrial Property Gazette is freely accessible at "<https://sig.a.impi.gob.mx/>"

² Article 98 TER of the Mexican Industrial Property Law (controlling the declaration of fame issued over the ESTAFETA mark).

³ Article 98 TER-3 of the Mexican Industrial Property Act (controlling the declaration of fame issued over the ESTAFETA mark).