

## **ADMINISTRATIVE PANEL DECISION**

Sociedad Austral de Electricidad S.A. v. Ralph Fenstermacher,  
Cheap Host SW Ltd  
Case No. D2025-5221

### **1. The Parties**

The Complainant is Sociedad Austral de Electricidad S.A., Chile, internally represented.

The Respondent is Ralph Fenstermacher, Cheap Host SW Ltd, Switzerland.

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

The disputed domain names <grupoportalsaesa.com>; <portalsaesa.com>; and <webgruposoesa.com> are registered with OwnRegistrar, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed in Spanish with the WIPO Arbitration and Mediation Center (the "Center") on December 15, 2025. On December 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 19, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing contact details and that the language of the registration agreement for the disputed domain name is English. On December 19, 2025, the Center informed the Complainant that the language of the registration agreement for the disputed domain name is English and invited the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint in English on December 24, 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 January 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 29, 2026.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on February 4, 2026. 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 a company incorporated in Chile, engaged primarily in the distribution and transmission of electricity. It is the owner, among others, of the following trademark registrations:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE
SAESA 	Chile	1437146	July 22, 2024
GRUPO SAESA 	Chile	1437145	July 22, 2024

The Respondent registered the following domain names on the dates detailed below:

- 1) <webgruposaes.com> February 7, 2025
- 2) <portalsaesa.com> March 17, 2025
- 3) <grupoportalsaesa.com> April 10, 2025

The disputed domain names are currently inactive. Previously, the disputes domain names resolved to login pages using the Complainant's trademarks and logos.

#### 5. Parties' Contentions

##### A. The Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends the following:

- I. Identical or confusingly similar

That the trademark SAESA was first registered in 1985 in Chile.

That its registrations grant the Complainant exclusive rights to the trademarks SAESA and GRUPO SAESA.

That the Complainant, as a public service provider, is strictly regulated by Chilean law and that, within its concession areas, it holds exclusive rights for electricity distribution, thereby excluding any other company and/or institution from rendering such services under the trademarks SAESA and GRUPO SAESA.

## II. Rights or legitimate interests

That the websites to which the disputed domain names resolved displayed the very same logo, colors, and line of business as those of the Complainant, thereby imitating the official website of the Complainant for the purpose of deceiving the public for commercial gain.

That the look and feel of said websites to which the disputed domain names resolved portrayed them as legitimate platforms for the registration of the Complainant's suppliers and for the entry of purchase orders with the aim of stealing information, impersonating identities, and obtaining economic benefits.

That said websites even displayed the name of one of the Complainant's actual employees, who currently holds the position of Distribution Projects Manager.

## III. Registered and used in bad faith

That, as a result of the abovementioned conducts, the Respondent has generated confusion among the Complainant's suppliers, resulting in the issuance of purchase orders fraudulently generated in the name of the Complainant with respect to at least four supplier companies.

That there is currently an ongoing judicial proceeding in Chile involving the Respondent, seeking to pursue criminal liability for the crimes of fraud (*estafa*) and name usurpation/identity misuse, arising from the malicious use of the websites to which the disputed domain names resolved. That, in said proceeding, an expert has stated that: "A planned scheme was developed to commit fraud through identity impersonation and the creation of fake websites, in order to defraud suppliers using the SAESA trademark [...]."

That the Complainant has demonstrated that the disputed domain names were registered and used by the Respondent in bad faith, for commercial gain, by defrauding suppliers of the Complainant, portraying the websites to which the disputed domain names resolve as legitimate platforms for the registration of suppliers and for the entry of purchase orders, with the aim of stealing information, impersonating identities and obtaining economic benefits.

## B. Respondent

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

## 6. Discussion and Findings

Paragraph 4(a) of the Policy sets out three requirements that the Complainant must prove in order to successfully request remedies:

(i) that the disputed domain names are identical or confusingly similar to a trademark or service mark to which the complainant has rights;

(ii) that the respondent has no rights or legitimate interests in connection with the disputed domain names; and

(iii) that the disputed domain names have been registered and are being used in bad faith.

Given the Respondent's default and therefore, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this proceeding based on the Complainant's undisputed factual allegations under paragraphs 5(f), 14(a), and 15(a) of the Rules (see *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#), *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#); see also WIPO Overview of WIPO Panel Views on Select UDRP Questions, ("[WIPO Overview 3.1](#)"), section 4.3).

## **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 3.1](#), section 1.7.

The Complainant has shown rights in respect of the SAESA and GRUPO SAESA trademarks for the purposes of the Policy (see [WIPO Overview 3.1](#), section 1.2.1).

The disputed domain names are confusingly similar to the Complainant's trademarks SAESA and GRUPO SAESA, as they incorporate said trademarks entirely, with the addition of the words "web" and "portal".

Generally, panels appointed under the Policy have found that the inclusion of additional terms in a disputed domain name does not prevent a finding of confusing similarity under the first element (see sections 1.7 and 1.8 of the [WIPO Overview 3.1](#)). This is so in the present case because the terms "web" and "portal" do not prevent the trademarks SAESA and GRUPO SAESA from being recognizable in the disputed domain names (see *Quixtar Investments, Inc. v. Smithberger and QUIXTAR-IBO*, WIPO Case No. [D2000-0138](#)).

The addition of the Top-Level Domain ".com" to the disputed domain names is immaterial for purposes of assessing confusing similarity because it is a technical requirement of the Domain Name System (see *CARACOLITO S SAS v. Nelson Brown, OXM.CO*, WIPO Case No. [D2020-0268](#); *SAP SE v. Mohammed Aziz Sheikh, Sapteq Global Consulting Services*, WIPO Case No. [D2015-0565](#); and *Bentley Motors Limited v. Domain Admin / Kyle Rocheleau, Privacy Hero Inc.*, WIPO Case No. [D2014-1919](#)).

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 3.1](#), 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 names such as those enumerated in the Policy or otherwise.

In the present case, the Panel considers that using a domain name for illegitimate activity, such as copycat sites, passing off, and fraud, cannot confer rights or legitimate interest on the Respondent (see [WIPO Overview 3.1](#), section 2.13.1).

The Complainant has demonstrated that the websites to which the disputed domain names resolved were used by the Respondent to obtain unlawful economic advantage by defrauding the Complainant's suppliers, falsely portraying said websites as legitimate platforms in order to collect confidential information, impersonate the Complainant, and perpetrate frauds. Previous panels have consistently held that the use of

a domain name for fraudulent or other illegitimate activities such as copycat sites/passing off can never confer rights or legitimate interests on a respondent (see [WIPO Overview 3.1](#), section 2.13.1; see also *Prada S.A. v. Domains For Life*, WIPO Case No. [D2004-1019](#); and *Advance Magazine Publishers Inc. v. Arena International Inc.*, WIPO Case No. [D2011-0203](#)).

Accordingly, 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.

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 3.1](#), section 3.2.1).

In the present case, the Panel notes that the Respondent intentionally used the disputed domain names to attract, for commercial gain, Internet users to the websites to which the disputed domain names resolved, by creating the impression among Internet users that said websites were related to, associated with, or endorsed by the Complainant, which constitutes bad faith under paragraph 4(b)(iv) of the Policy (see section 3.1.4 of the [WIPO Overview 3.1](#); see also *trivago GmbH v. Whois Agent, Whois Privacy Protection Service, Inc. / Alberto Lopez Fernandez, Alberto Lopez*, WIPO Case No. [D2014-0365](#); and *Jupiter Investment Management Group Limited v. N/A, Robert Johnson*, WIPO Case No. [D2010-0260](#)).

The fact that the Respondent chose to register the disputed domain names, which resolved to websites that displayed the Complainant's trademarks and logos, portraying them to be legitimate platforms of the Complainant for their registration and for the entry of purchase orders impersonating the Complainant and using the name of one of the Complainant's employees, suggests that the Respondent knew the Complainant, its trademarks, and its business when registering the disputed domain names. Therefore, the Panel finds that the Respondent has targeted the Complainant, which constitutes opportunistic bad faith (see section 3.2.1 of the [WIPO Overview 3.1](#); see also *L'Oréal v. Contact Privacy Inc. Customer 0149511181 / Jerry Peter*, WIPO Case No. [D2018-1937](#); and *Gilead Sciences Ireland UC / Gilead Sciences, Inc. v. Domain Maybe For Sale c/o Dynadot*, WIPO Case No. [D2019-0980](#)).

Previous panels have held that the use of a domain name for illegitimate activity here, claimed as copycat sites/passing off and fraud constitutes bad faith (see [WIPO Overview 3.1](#), section 3.4). This is so in the present case.

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 names <grupoportalsaesa.com>, <portalsaesa.com>; and <webgruposaes.com> be transferred to the Complainant.

*/Kiyoshi Tsuru/*

**Kiyoshi Tsuru**

Sole Panelist

Date: February 18, 2026