

## **ADMINISTRATIVE PANEL DECISION**

Banco de Desarrollo Rural, Sociedad Anónima v. Jan Everno, Name Management Group  
Case No. D2025-5284

### **1. The Parties**

The Complainant is Banco de Desarrollo Rural, Sociedad Anónima, Guatemala, represented by Mayora Domains S.A., Guatemala.

The Respondent is Jan Everno, Name Management Group, United States of America (“United States”).

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

The disputed domain name <banrural.com> (the “Disputed Domain Name”) is registered with Network Solutions, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 17, 2025. On December 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 18, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 December 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 21, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on January 23, 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, incorporated in 1997 in Guatemala, is active in the banking industry.

During 2024-2025 the Complainant had a coverage of 11,891 service points in Guatemala, being listed, by one of the highest-circulation newspapers in Guatemala, as being the 2nd largest bank in Guatemala by assets and the 3rd largest bank in Central America. Since 2007 the Complainant has consistently maintained a leadership position as one of the three largest banks in Guatemala in terms of assets, deposits, and loan portfolio.

At the end of 2023, the Complainant had a capital base of approximately USD 1,623 million, and nearly 9,000 direct jobs, with a strong client base in rural communities, indigenous peoples, cooperatives, and women-led organizations. Its mobile application on Google Play shows over 1,000,000 downloads, and the Complainant maintains official social media accounts with substantial followings (including approximately 56,600 on Instagram, 612,000 on Facebook, and 12,800 on X).

The Complainant received numerous recognitions and accolades in its industry.

The Complainant holds trademark registrations for BANRURAL, such as the following:

- the United States Trademark registration no. 3374801 for BANRURAL (figurative), filed on September 28, 2006, and registered on January 29, 2008, for services in the International Class 36; and
- the Guatemala Trademark registration no. 130917 for BANRURAL (figurative), filed on July 19, 2004, valid until July 18, 2034, for services in the International Class 36.

The Complainant provides services on its main websites at the domain name <banrural.com.gt>, registered on June 1, 1999, and the domain name <banrural.gt>, registered on September 19, 2012.

The Disputed Domain Name was created on November 9, 1999, and the last Whois update, listing the name of the Respondent, was made on November 10, 2024.

The Complainant was the registrant for the Disputed Domain Name between November 1999 until December 2017. Between December 15, 2017, and November 10, 2024, the registrant for the Disputed Domain Name has changed multiple times between the Respondent, and third parties, one physical person and one entity.

At the time of filing of the Complaint, the Disputed Domain Name was offered for sale via the Registrar / Sedo. On November 21, 2025, the Complainant sent a direct communication to Sedo, offering to buy the Disputed Domain Name, no response was received.

At the time of drafting this Decision, the Disputed Domain Name resolved to an error page.

The Respondent is located in the United States and it was involved in at least another three UDRP disputes decided against it. See *International Business Machines Corporation v. Mingxiang Zhou, Jan Everno, and Web.com Holding Account*, WIPO Case No. [D2023-0632](#); *Derimod Konfeksiyon Ayakkabi Deri Sanayi ve Ticaret Anonim Şirketi v. Jan Everno, Name Management Group*, WIPO Case No. [D2019-0327](#); and *Accor SA vs. Jan Everno, The Management Group II*, WIPO Case No. [D2017-2212](#).

## **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 BANRURAL has the status of a well-known trademark in Guatemala due to its intensive and continuous use for more than 20 years in the banking sector; its trademark was first registered in 1999 in Guatemala, such registration being no longer in force but the Complainant obtained a new registrations for BANURAL trademark; the Disputed Domain Name is identical to the BANRURAL trademark since it reproduces it in its entirety; the Respondent has no rights or legitimate interests in the Disputed Domain Name mainly because the Respondent has no permission to use the Complainant's trademark in any manner, and is not commonly known by the Disputed Domain Name.

Ultimately, the Respondent has registered and is using the Disputed Domain Name in bad faith mainly for the following reasons: (i) the BANRURAL trademark is inherently distinctive and exclusively associated with the Complainant and its financial services, being widely known among Guatemalans residing in various states of the Unites States, who regularly send remittances through the Complainant; (ii) the registration of the Disputed Domain Name was opportunistic as it followed the expiration of its registration under the name of the Complainant while the Respondent knew that it belonged to the Complainant for more than 18 years, or, at the very least, had a duty to verify that the registration would not infringe third-party rights; (iii) the sequence of transfers of the Disputed Domain Name registration among unrelated third parties, combined with the opportunistic acquisition following the lapse of the original registration ("drop catching"), confirms that the Respondent's current ownership derives from an abusive registration; (iv) a simple "Google search" would be enough to become aware of the existence of BANRURAL trademark; (v) listing for sale a domain name is sufficient evidence to support a finding of bad faith; and (vi) the existence of a pattern of abusive registrations by the Respondent which has a documented history of similar conduct involving the registration of well-known trademarks belonging to third parties.

### **B. Respondent**

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

## **6. Discussion and Findings**

Under the Policy, the Complainant is required to prove on the balance of probabilities 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 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 BANRURAL mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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 notes the composition of the Disputed Domain Name, reproducing exactly the Complainant’s trademark, and considering the Complainant’s highly similar domain names, and the fact that the Disputed Domain Name was held by the Complainant for 18 years before changing its registrant, reflects the Respondent’s ultimate intent to confuse unsuspecting Internet users into believing that the Disputed Domain Name is operated by the Complainant.

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.

In the present case, the Panel notes that the Disputed Domain Name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because it reproduces the Complainant’s trademark exactly, and the Complainant’s trademark predates the registration of the Disputed Domain Name by about 25 years and is well-known in its industry. Further, the Disputed Domain Name was registered in the name of the Complainant and used to promote its services for 18 years, before being registered by the Respondent and third parties.

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.

At the time of filing the Complaint, the Disputed Domain Name was offered for sale. The Panel finds that the Respondent registered the Disputed Domain Name more likely than not for the purpose of selling it to the Complainant or to a competitor of the Complainant.

At the time of drafting this Decision, the Disputed Domain Name resolved to an error page. UDRP 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. The Panel notes the distinctiveness or international reputation of the Complainant’s trademark; the composition of the Disputed Domain Name; the Respondent’s failure to provide a response in this procedure; the implausibility of any good faith use to which the Disputed Domain Name (noting its composition) may be put, 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. [WIPO Overview 3.0](#), section 3.3.

Previous UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith for the purpose of Policy. [WIPO Overview 3.0](#), section 3.1.4.

Moreover, Paragraph 4(b)(ii) of the Policy provides another circumstance of bad faith registration and use when the Respondent registered the Disputed Domain Name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct. UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registrations. The Respondent’s involvement in at least three other UDRP disputes supports such finding. [WIPO Overview 3.0](#), section 3.1.2.

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 <banrural.com> be transferred to the Complainant.

*/Marilena Comanescu /*

**Marilena Comanescu**

Sole Panelist

Date: January 30, 2026