

## **ADMINISTRATIVE PANEL DECISION**

Centro de Promociones Los Cabos San Lucas, S.A. De C.V. v.  
Carlos La Fuente Aviles  
Case No. D2026-0563

### **1. The Parties**

The Complainant is Centro de Promociones Los Cabos San Lucas, S.A. De C.V., Mexico, represented by Vila Abogados / Attorneys at Law, Mexico.

The Respondent is Carlos La Fuente Aviles, Mexico.

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

The disputed domain name <solmarrentals.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 11, 2026. On February 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 11, 2026, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 12, 2026, 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 on February 17, 2026.

On February 12, 2026, the Center informed the parties in English and Spanish, that the language of the registration agreement for the disputed domain name is English. On February 17, 2026, the Complainant submitted the Complaint translated into English. The Respondent did not submit any comment on the Complainant’s submission. The Respondent submitted the Response in English on March 8, 2026.

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 February 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2026. The Response was filed with the Center on March 8, 2026.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on March 13, 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 based in Mexico, where it operates hotels and resorts in and around the Cabo San Lucas area on the west or Pacific coast of Mexico.

According to the Complaint, the first establishment in the Complainant's business began operating in 1974. According to the Complaint, the Complainant has been promoting its offerings from the website at "www.solmar.com" since 1996. The Complainant's Facebook page Solmar Hotels & Resorts has 63,000 followers. Its Instagram account has 11,800 followers.

The Complaint includes evidence that the Complainant has several trademarks registered in Mexico. The earliest registration is Registered Trademark No. 1106527:



which has been registered since June 17, 2009, in respect of temporary accommodation and food and beverage services in International Class 43.

Another registration is Registered Trademark No. 1149459:



which has been registered since March 19, 2010, in respect of hotel and restaurant services in International Class 43.

In addition and by way of further example, the Complainant owns Registered Trademark No. 1500204 which is for a mark which is the same as Trademark No. 1106527 save that instead of "Land's End" it says "Vacation Club" and which has been registered since December 4, 2014 in respect of Insurance, financial operations, monetary operations and real estate transactions in International Class 36.

Another trademark which the Complainant has registered in respect of the same International Class 36 services is Registered Trademark No. 2079670:



which has been registered since January 30, 2020.

According to the Whois report, the disputed domain name was first registered on November 25, 2018. The Respondent, however, became the registrant on May 14, 2021, paying GoDaddy USD 395.99 for a premium domain name purchase.

The disputed domain name resolves to an active website promoting a vacation rental and hospitality management business under the brand “Solmar Rentals” which focuses on short-term rental accommodation and hospitality services in the Cancún and Riviera Maya areas of Mexico. That is, the Respondent’s business is located on the east coast of Mexico.

The footer to the landing page of the website states:

“Solmar Rentals is an independent brand operated by Solmar Rentals SA de CV. We are not owned by, affiliated with, or connected to any company or group operating in Los Cabos Baja California Sur under brands that include the element ‘Solmar.’ We do not operate any properties in Los Cabos or the state of Baja California Sur.”

According to the Response, the Respondent operated the vacation rental business under his own name, “Carlos”, for a number of years and had accumulated thousands of guest reviews before adopting the “Solmar Rentals” brand. The Respondent has been awarded Superhost status by Airbnb. It is not clear when the Respondent changed the name of the business to “Solmar Rentals” but it would appear that the Respondent adopted the brand name “Solmar Rentals” between the time he registered the disputed domain name and incorporated his company (mentioned below).

On November 10, 2021, the Respondent applied to register a figurative version of SOLMAR RENTALS as a trademark in Mexico in respect of real estate and property management services in International Class 36:



On February 4, 2022, the Mexican Institute of Industrial Property (IMPI) advised the Respondent that it proposed to refuse registration in light of a number of the Complainant’s registered trademark including, amongst others, Registered Trademarks Nos. 1500204 and 2079670.

On March 23, 2022, the Respondent incorporated a company in Mexico under the name Solmar Rentals SA de CV which is the vehicle through which the vacation rental and hospitality services offered through the website is now (and for some time has been) run.

Following the Respondent’s reply on April 14, 2022 to IMPI’s February 2022 notification, however, IMPI issued its decision on October 6, 2022, refusing to register the Respondent’s trademark.

## **5. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

- (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 respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

#### **A. Identical or Confusingly Similar**

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

The Complainant has proven ownership of numerous figurative trademarks based on the word SOLMAR such as those shown in Section 4 above.

The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g. [WIPO Overview 3.1](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top-Level Domain ("gTLD") component as a functional aspect of the domain name system. [WIPO Overview 3.1](#), section 1.11.

It is also usual to disregard the design elements of a trademark under the first element as such elements are generally incapable of representation in a domain name. Where the textual elements have been disclaimed in the registration or cannot fairly be described as an essential or important element of the trademark, however, different considerations may arise. See for example, [WIPO Overview 3.1](#), section 1.10. The figurative elements of the Complainant's trademarks are not so dominating that the verbal element cannot be considered an essential or important part of the trademarks in this case. Accordingly, it is appropriate to apply the usual rule.

Disregarding the ".com" gTLD, therefore the disputed domain name consists of the Complainant's registered trademark and the term "Rentals" in the case of Registered Trademark No. 1149459. As this requirement under the Policy is essentially a standing requirement, the addition of this term does not preclude a finding of confusing similarity. See e.g. [WIPO Overview 3.1](#), section 1.8. Apart from anything else, the Complainant's trademark remains visually and aurally recognisable within the disputed domain name. A similar conclusion follows for the Complainant's other registered trademarks identified above as the other verbal elements of those trademarks are essentially laudatory or descriptive words which do not undercut the distinctive role of SOLMAR.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

## **B. Registered and Used in Bad Faith**

In the circumstances of this case, it is appropriate to consider next the third requirement under the Policy.

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see *e.g. Group One Holdings Pte Ltd v. Steven Hafto*, WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Complainant points out that the history of its trademark dates back to 1974 and so has been operating for some 50 years. The Complainant also relies on IMPI's refusal of the Respondent's trademark application.

There is some evidence before the Panel that the Complainant and its hotels and resorts have achieved a reasonable degree of recognition. It is more difficult to say, on the basis of the record in this proceeding, that the Complainant and its trademark are so well known that the Respondent more than likely knew of the Complainant's trademark when registering the disputed domain name.

Secondly, the Respondent registered the disputed domain name before notification of IMPI's objection to registration of the Respondent's trademark in the face of the Complainant's registered trademarks.

Thirdly, the Respondent does not expressly deny knowledge of the Complainant's trademarks before adopting the disputed domain name. Rather, the Respondent says its name was adopted because "sol" and "mar" are two ordinary Spanish words meaning, respectively, "sun" and "sea" and are a naturally suggested compound expression to indicate the focus of the Respondent's business on coastal or beachside rental and holiday properties. According to the Respondent, the words "sol" and "mar" are widely used in tourism and coastal hospitality contexts; "rentals" being descriptive of the nature of the business.

Further, the Respondent points out that his business is in a very different part of Mexico, remote from the Complainant's business. Further still, the Respondent points out that his business, while directed to holiday rentals, is of a different nature to the Complainant's resort business. Yet still further, the Respondent emphasises that his business has not made any attempt to target the Complainant's trademark. The Respondent emphasises that he did not register the disputed domain name for the purpose of selling it to the Complainant, disrupting the Complainant's business, or misleading consumers. Instead, the disputed domain name has consistently been used to promote the Respondent's vacation rental services.

The Panel accepts that "sol" and "mar" are ordinary dictionary words in Spanish. The Response, however, does not include evidence of widespread use of the compound expression "solmar" in relation to beachside activities or locations. The Panel's own Google search does throw up a few businesses using the compound expression "solmar" but not so extensive use as to suggest it is a commonly used term. In the absence of evidence, therefore, the Panel would not accept that "solmar" is a commonly used compound expression. That said, the Respondent's explanation for the adoption of the disputed domain name is not so implausible that the Panel can confidently reject it.

The use of a term which forms a key component of another's registered trademark (so much so that the Trademark Authority rejected an application to register it in the face of that other's trademarks) would typically qualify as a clear case of use in bad faith. A troubling aspect of this proceeding, however, is that the Respondent has been permitted by the Complainant to continue using the disputed domain name for a website reproducing the Respondent's logo for several years after the Complainant successfully objected to the registration of the Respondent's trademark. There may be a number of explanations for this. The evidence from the Complainant does not address these matters.

The Panel considers matters are finely balanced. In a proceeding on the papers, the Panel cannot confidently reject the Respondent's explanation about the derivation of the disputed domain name, and the described circumstances provide at least some support for Respondent's claims of independent adoption. The use of the disputed domain name may well constitute infringement of the Complainant's trademark but, in the absence of a sound basis to conclude the Respondent likely knew about the Complainant's trademark when registering the disputed domain name, that does not in itself lead to characterisation of the Respondent's conduct as registration in bad faith.

In these circumstances, the Panel finds that the Complainant has failed to prove at least one part of the third requirement under the Policy – registration in bad faith.

Accordingly, the Complainant cannot establish this requirement under the Policy.

### **C. Rights or Legitimate Interests**

As the Complaint must fail, no good purpose would be served by considering this requirement under the Policy.

### **D. Reverse Domain Name Hijacking**

The Respondent seeks a finding that the Complainant has engaged in Reverse Domain Name Hijacking.

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.1](#), section 4.16.

The Panel does not consider a finding of Reverse Domain Name Hijacking is appropriate in this case. As IMPI's rejection of the Respondent's trademark application in the face of the Complainant's registered trademarks shows, there appears to be a genuine trademark dispute between the Parties.

## **6. Decision**

For the foregoing reasons, the Complaint is denied.

*/Warwick A. Rothnie/*

**Warwick A. Rothnie**

Sole Panelist

Date: April 6, 2026