ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Grupo Osborne, S.A. v. David Lopez
Case No. D2026-1325

1. The Parties

The Complainant is Grupo Osborne, S.A., Spain, represented by Ubilibet, S.L., Spain.

The Respondent is David Lopez, United States of America ("United States"), represented by Vondran Legal, United States .

2. The Domain Name and Registrar

The disputed domain name <veterano.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 March 27, 2026. On March 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 27, 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 (Not disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 30, 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 April 1, 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 proceeding commenced on April 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2026. On April 22, 2026, the Center suspended the proceeding, pursuant to the parties' request of the same date, to allow the parties to explore a possible settlement. The proceeding was reinstituted on May 16, 2026 and the Response was filed with the Center on the same date.

The Center appointed Sebastian M.W. Hughes, Olga Zalomiy, and Frederick M. Abbott as panelists in this matter on June 15, 2026. The Panel finds that it was properly constituted. Each member of 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

A. Complainant

The Complainant is a family-owned company founded in Spain in 1772 and carrying on business as a diversified food and beverage group, with a particular history and focus on wine and sherry. The Complainant has marketed and sold one of its flagship spirits, VETERANO, since 1922, including in conjunction with its iconic Osborne's bull silhouette marketing campaign launched in Spain in 1956.

The Complainant has marketed its VETERANO spirit for decades in particular in Spain, Europe, the United Kingdom, the United States, and Canada, and is the owner of registrations for its VETERANO mark in several jurisdictions, including United States registration No. 72039742, with a registration date of June 9, 1959.

B. Respondent

The Respondent is a retired United States Navy veteran of Hispanic heritage, resident in California in the United States.

C. The Disputed Domain Name

The disputed domain name was first registered on May 10, 2000. It was acquired by the Respondent in 2019.

D. Use of the Disputed Domain Name

The disputed domain name has not been used by the Respondent in respect of an active website.

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 (1) it has not authorised, licensed or allowed the Respondent to use its VETERANO mark in respect of the disputed domain name; (2) it is "absolutely certain the Respondent is not making a legitimate use of its trademarks through the domain name"; and (3) there is no proof of any prior use of the disputed domain name or the trade name VETERANO in relation to the beverage industry.

As to registration and use in bad faith, the Complainant contends as follows:

(1) The concept of bad faith is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a Complainant's mark;

(2) Citing WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 3.1.4, "Panels have consistently found that the mere registration of a domain name that

is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith";

(3) "It is virtually inconceivable that an individual who has registered and is using a domain name containing a widely recognized trademark, as discussed in Section A and detailed in Section B and evidenced in Annex 3, could claim ignorance of the company and its trademark. Furthermore, it is implausible for them to assert that their actions are not intended to exploit the connection to the company in question. This accurately describes the situation regarding the disputed domain name";

(4) The Respondent's lack of active use of the disputed domain name "does not diminish the finding of bad faith. No passive holding position can be tolerated in this context. Ownership of the domain name grants the Respondent the ability to control and determine when to take actions such as putting the domain name for sale, once again, thereby leaving the Complainant and its business in an undeniably precarious situation";

(5) The disputed domain name has been offered for sale for most of the life of its registration; and

(6) The Complainant made bona fide attempts to purchase the disputed domain name using a brokerage service, and accepted a transfer fee, but was unable to proceed with the purchase as the registrant of the disputed domain name had changed. The Complainant then tried again to purchase the disputed domain name using its broker, but was unsuccessful.

B. Respondent

The Respondent does not dispute that the disputed domain name is identical or confusingly similar to the Complainant's VETERANO mark.

The Respondent contends however that he has rights or legitimate interests in the disputed domain name, and that he has not registered and used the disputed domain name in bad faith.

The Respondent contends that "veterano" is a common Spanish dictionary word meaning "veteran"; and that he acquired the disputed domain name, as a retired United States Navy veteran, because of its ordinary and descriptive meaning connected to military veterans and veteran identity.

The Respondent contends further that, before any notice of this proceeding, he commenced demonstrable preparations to use the disputed domain name in respect of his proposed business of selling military/veteran apparel and related products. The Respondent relies upon evidence of his attempts to source military-style puffer vests, vests, and caps from suppliers in 2021, intended to be directed towards a veteran-oriented consumer market.

As to alleged bad faith registration and use, the Respondent contends that, at the time he acquired the disputed domain name, he had no knowledge of the Complainant or its VETERANO mark. The Respondent contends further that there is no evidence that he has tried to capitalise on the Complainant's goodwill in its trade mark, via pay-per-click links, or otherwise.

The Respondent denies that he purchased the disputed domain name for the purpose of selling it to the Complainant, noting that, when approached by the Complainant's broker, he repeatedly replied that he was "not interested".

The Respondent requests a finding of Reverse Domain Name Hijacking ("RDNH"), contending that the evidence shows the Complainant attempted to purchase the disputed domain name through commercial negotiations before commencing this proceeding, and, accordingly, the Complainant initiated this proceeding in an attempt to obtain through administrative process what it could not obtain through negotiation.

The Respondent contends further that the Complainant commenced this proceeding, following its unsuccessful efforts to purchase the disputed domain name, when it knew the Respondent possessed plausible rights or interests; and that the Complainant pursued a weak cybersquatting claim in this proceeding despite evidence demonstrating legitimate domain name ownership and lack of targeting.

6. Discussion and Findings

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 trade mark 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 shown rights in respect of a trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the 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 3.1, section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

In light of its finding in respect of the third element of the Policy, it is not necessary for the Panel to make any finding in respect of the second element of the Policy.

C. Registered and Used in Bad Faith

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trade mark.

In particular, the Panel would note that the Complainant's reliance on WIPO Overview 3.1, section 3.1.4 is misconceived. It is not in dispute that the Respondent has not made any use of the disputed domain name in respect of any active website. WIPO Overview 3.1, section 3.1.4 is not relevant to passive use scenarios – it addresses what sort of evidence on a respondent's website can be used to demonstrate bad faith registration and use.[1]

The Complainant's submissions as to passive use are similarly inapplicable on the facts of this proceeding. It is well-established that, in particular in the case of trade marks consisting of dictionary terms – and even when a disputed domain name is identical to a complainant's trade mark – passive use alone is incapable of supporting the requisite finding of bad faith, absent any evidence of targeting of the complainant's mark.

The Panel accepts the Respondent's evidence that, at the time of registration of the disputed domain name, he was unaware of the Complainant or of its VETERANO trade mark.

The Complainant's submissions as to bad faith under paragraph 4(b)(i) do not pass muster. On the Complainant's own evidence, its broker negotiated with the wrong person (apparently a previous owner of the disputed domain name) in January 2025. When the broker subsequently realised it had been negotiating with the wrong person, its multiple approaches made to the Respondent were met with the same, consistent response: "Not interested".

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[1] The heading of section 3.1.4 is itself informative: "How does a complainant prove that a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark?"

The Panel finds the third element of the Policy has not been established.

D. 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 has not found determination of the Respondent's RDNH request a simple exercise.

There is no question on the facts that this proceeding involves a scenario where the Complainant commenced this proceeding following its unsuccessful attempts to purchase the disputed domain name from the Respondent. The Complainant itself recognised this at the time of filing of the Complaint, by pre-empting the perhaps inevitable RDNH request from the Respondent. The Complainant's pertinent submissions in this regard are as follows:

"Furthermore, in case the Respondent submits a Response, this part wants to make clear there cannot be any Reverse Domain Name Hijacking. For this purpose, paragraph 1 of the Rules defines Reverse Domain Name Hijacking ('RDNH') to be 'using the Policy in bad faith to attempt to deprive a registered domain name holder of a domain name'.

In the present case, the Complainant is sure that it cannot be considered as a filing of a Complaint after an unsuccessful attempt to acquire the disputed domain name from the respondent without a plausible legal basis, primarily because there was no 'unsuccessful attempt'. The transaction was made but not fulfilled, in bad faith, by the domain owner. The Complainant made a successful attempt, but the Counterparty failed to comply with the terms of the agreement.

From the Complainant's side, accepting to buy a domain name does not delete the finding of bad faith on registration and use of the domain name. It only states that this party is willing to amicably negotiate any legal matter."

On the other hand, the authorities, and certain of the submissions, put forward by the Respondent as to RDNH are inapposite to the relevant facts of this proceeding. There is no factual basis to support the Respondent's contention that the Complainant commenced this proceeding when it knew the Respondent possessed plausible rights or interests; nor was there any evidence – at the time of filing of the Complaint – of the Respondent possessing legitimate rights or interests in the disputed domain name.

It is true that the Respondent's legal representatives requested the Complainant to withdraw the Complaint after the commencement of the proceeding, in reliance on the evidence at that time made known to the Complainant as to the Respondent's alleged rights or legitimate interests. But that is neither here nor there – the relevant question being the Complainant's state of knowledge at the time of filing of the Complaint.

The Panel majority considers, however, and consonant with well-established principles, that the Complainant ought to be held to a higher standard as it is legally represented in this proceeding.

The crucial issue in the context of bad faith is whether there is evidence demonstrating that the Respondent, in registering the disputed domain name, has targeted the Complainant's mark. It is well-established that, when a complainant's mark consists of a dictionary term, and when a respondent's disputed domain name has not been used, it will not be possible to establish bad faith registration and use absent evidence of targeting. Notwithstanding the apparent reputation of the Complainant's trade mark in the Spanish market, in the totality of circumstances of this proceeding, including the inherent lack of distinctiveness of the Complainant's trade mark, the lack of evidence of reputation of the Complainant's mark in the United States market, the widespread use of Spanish in the United States, and the Respondent's clear rejection of the approaches made by the Complainant's domain name broker – and for the reasons further enunciated below (including in the opinion of the concurring Panelist) – the Panel majority concludes there was no reasonable inference to be drawn by the Complaint and its legal advisers as to bad faith targeting based solely on (1) the disputed domain name being identical to the Complainant's mark; and (2) passive use.

The Complainant accepts, on its own evidence filed with the Complaint, that its broker's initial negotiations in January 2025 to purchase the disputed domain name were made with the wrong person.

On January 24, 2025, having apparently negotiated a deal for the Complainant to purchase the disputed domain name, the broker agent informed the Complaint as follows:

"January, 22, 2025

The … agent attempted to make the purchase, but the link led to a page with an error message: 'internal error'. The… agent wrote to the… broker asking for clarifications regarding the error message.

January, 24, 2025

The … broker informed the … agent that the person he was in contact with was no longer the owner of the domain name. The … broker said that he was in the process of reaching out to the new owner.

January, 29, 2025

The … agent asked the … broker for an update and the … broker explained that the person he had been talking to who had agreed on the deal was not the actual owner, that they used to own it, but that ownership had changed hands, and they did not realize that they didn't own the domain name anymore (sic). The … broker informed the … agent that he was trying to reach the actual owner.

November, 14, 2025
The … agent contacted the … broker again informing him that there was renewed interest in acquiring veteran.com and asked if it was possible to try contacting the owner again.

November, 20, 2025

The … broker replied that the owner had replied that they were not interested in selling veterano.com."

The email communications between the broker and the Respondent demonstrate that the Respondent consistently, on three separate occasions (March 1, 2025; November 20, 2025; and November 23, 2025) informed the broker that he was "not interested" in selling the disputed domain name.

A further relevant factor is that, notwithstanding the Complainant's asserted rights in the VETERANO mark dating back to 1922 in Spain and at least 1957 in the United States, the disputed domain name was first registered in 2000, but the Complainant did not file the present proceeding until 2026.

The Panel majority notes further the Complainant did not file any evidence to demonstrate the repute of its VETERANO mark. Although it would appear the mark is well-known in the Complainant's home market, there is no evidence before the Panel to demonstrate that the mark possesses any significant reputation in the United States, where the Respondent is based.

In all the circumstances, the Panel majority finds that the following factors warrant a finding of RDNH in this proceeding:

(1) The Complainant's mark consists of a dictionary term;

(2) There is no evidence before the Panel to show that the mark is well-known in the United States;

(3) The disputed domain name was first registered in 2000;

(4) The disputed domain name has not been used by the Respondent in respect of an active website;

(5) The Complainant is legally represented and ought to be held to a higher standard;

(6) The Complainant knew at the time of filing of the Complainant that the Respondent was not interested in selling the disputed domain name, despite repeated approaches and offers made by the Complainant's broker to the Respondent once the correct registrant had been identified; and

(7) There is otherwise no evidence of targeting.

The Panel majority finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Sebastian M.W. Hughes/
Sebastian M.W. Hughes
Presiding Panelist

/Olga Zalomiy/
Olga Zalomiy
Panelist (dissenting on RDNH)

/Frederick M. Abbott/
Frederick M. Abbott
Panelist (concurring)

Concurring

I join with the decision of the Panel, including the majority finding of RDNH, writing separately to address a perhaps subtle jurisprudential issue.

The Panel agrees that Complainant fails to demonstrate that Respondent acted in bad faith in registering and using the disputed domain name.

I concur with the finding that Complainant failed to make out a case of abusive passive holding. I would prefer to locate that finding within the specific facts of this case, as compared to stating a general principle.

Passive holding assessment is multi-factored.

The well-known character of the subject trademark is an important element in the multifactor analysis. Here, although Complainant's trademark may be well known within Spain, there is no evidence that its trademark is well known in the United States, where Respondent resides. This argues against providing Complainant relief based on passive holding.

In my view Respondent demonstrated with concrete evidence good faith preparations to use the disputed domain name in connection with a bona fide offering of goods. Although perhaps more directly relevant to rights or legitimate interests, Respondent was not "passive" in respect to the disputed domain name. It was actively using the disputed domain name in the creation of its business.

In my view, these factors provide a sufficient basis for rejecting Complainant's claim of abusive passive holding without relying on a general principle for rejecting claims based on the category of the trademark term. My jurisprudential point regarding passive holding also applies to the finding on RDNH. I do not share the view that a principle regarding the category of a trademark term defines the outcome of passive holding analysis, which is multifactoral.

/Frederick M. Abbott/
Frederick M. Abbott
Panelist (concurring)
Date: June 29, 2026