

## **ADMINISTRATIVE PANEL DECISION**

Estafeta Mexicana, S.A. de C.V. v. syed kafeel shah syed kafeel shah, syed kafeel shah

Case No. D2026-1519

### **1. The Parties**

The Complainant is Estafeta Mexicana, S.A. de C.V., Mexico, represented by Calderón & De La Sierra, Mexico.

The Respondent is syed kafeel shah syed kafeel shah, syed kafeel shah, Pakistan.

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

The disputed domain name <estafetarastreo.com> is registered with Name.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 9, 2026. On April 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 13, 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 (THE INFORMATION IS PRIVATE / The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 17, 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 amendment to the Complaint on April 17, 2026.

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 April 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 15, 2026.

The Center appointed Jonathan Agmon as the sole panelist in this matter on May 21, 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 Mexican courier and logistics company founded in 1979. The Complainant has since its establishment established itself as the market leader in courier and logistics services in Mexico. The Complainant currently employs more than 12,400 people, operates a fleet of approximately 5,000 vehicles, 129 distribution centers, three logistics hubs, and its own cargo airline, Estafeta Carga Aérea, which operates both in Mexico and in the United States of America. The Complainant introduced real-time shipment tracking in Mexico in the 1980s.

The Complainant owns longstanding trademark registrations in Mexico for the ESTAFETA mark. The Complainant's trademark registrations include the following:

- ESTAFETA (and design), registered under Mexican Registration No. 546615 on April 24, 1997;
- ESTAFETA (and design), registered under Mexican Registration No. 548675 on May 23, 1997;
- ESTAFETA, registered under Mexican Registration No. 2042803 on September 26, 2019; and
- ESTAFETA, registered under Mexican Registration No. 2042804 on September 26, 2019.

In September 2020, the Mexican Institute of Industrial Property (Instituto Mexicano de la Propiedad Industrial) formally recognized the ESTAFETA brand as a well-known trademark. The Complainant holds over 92 trademark registrations in Mexico and has trademark registrations in various other jurisdictions. The Complainant also operates a website using its domain name <estafeta.com>.

The disputed domain name was registered on October 13, 2025. It resolves to a website presented in Spanish under the title "Estafeta Rastreo – Rastrea tus paquetes fácilmente desde una Sola Aplicacion." The website simulates a shipment-tracking service for the Complainant's courier customers, inviting users to enter their *Estafeta guía* (tracking number) to track parcels. The website uses the ESTAFETA trademark extensively throughout its content, and when the Panel visited the website, it contains a disclaimer stating that it is "an independent tool" not officially affiliated with Estafeta.

#### 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:

- (i) The disputed domain name is confusingly similar to its well-known ESTAFETA mark, as it wholly incorporates that mark and merely appends the term "rastreo" (meaning "tracking").
- (ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has never authorized the Respondent to use the ESTAFETA mark or to register the disputed domain name.
- (iii) The disputed domain name was registered and is being used in bad faith. The Respondent's conduct falls squarely within paragraph 4(b)(iv) of the Policy, as it intentionally attracts Internet users by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the services offered thereon.

## **B. Respondent**

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

## **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 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 shown rights in respect of a trademark 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, with the addition of the term "rastreo" which is Spanish for "tracking". Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7. and 1.8.

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 that 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 3.1](#), 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 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 has considered the circumstances enumerated under paragraph 4(c) of the Policy and finds that none are applicable on the present record. There is no evidence that the Respondent has made a bona fide offering of goods or services under paragraph 4(c)(i), as the website employs the Complainant's trademark to mislead and divert users seeking the Complainant's official service. There is no evidence that the Respondent is commonly known by the disputed domain name under paragraph 4(c)(ii), and the Complainant confirms that no relationship of any kind exists between the Parties. Finally, the use does not amount to legitimate noncommercial or fair use under paragraph 4(c)(iii), as the website's prominent and repeated display of the Complainant's ESTAFETA trademark, including the use of the red color which the Complainant is using on its website – simulating the Complainant's official tracking service – create an overall impression of affiliation with the Complainant that cannot constitute fair use.

The second element of paragraph 4(a) of the Policy has been established.

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

Paragraph 4(b) of the Policy sets out non-exhaustive circumstances that may evidence registration and use of a domain name in bad faith. Paragraph 4(b)(iv) applies where, by using the domain name, a respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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 the respondent's website or of a product or service offered on that website.

The Panel is satisfied that the circumstances of this case fall within paragraph 4(b)(iv). The disputed domain name incorporates the Complainant's trademark ESTAFETA in its entirety and combines it with the word "rastreo", Spanish for "tracking", which directly corresponds to one of the Complainant's core services.

The website displays the Complainant's ESTAFETA trademark, including in a form bearing the registered trademark symbol, and in the red color used by the Complainant, together with an image of a parcel bearing the ESTAFETA logo. Even accepting that the website provides some degree of functional tracking capability, its overall presentation creates a misleading impression of affiliation with the Complainant and is plainly designed to attract users who are seeking the Complainant's official tracking service.

The Panel has also considered the disclaimer appearing on the Respondent's website, which states that the site is independent and not officially affiliated with the Complainant. The Panel acknowledges that, under [WIPO Overview 3.1](#), section 3.7, a clear and sufficiently prominent disclaimer may in appropriate circumstances lend support to a finding of good faith, particularly where a respondent is making genuinely referential use of a complainant's mark. However, the disclaimer is a single sentence embedded in the body text of the website's FAQ section and is neither prominently placed nor immediately visible to a user landing on the site, and cannot cure the Respondent's bad faith in the circumstances of this case.

The Complainant has also drawn the Panel's attention to a GoDaddy brokerage listing suggesting the disputed domain name may be available for acquisition. While the Panel does not place significant independent weight on this factor in isolation, it is consistent with the broader picture of opportunistic registration of a domain name incorporating the registered ESTAFETA trademark.

Accordingly, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith within the meaning of paragraph 4(a)(iii) of the Policy, and that the circumstances of this case fall within paragraph 4(b)(iv) of the Policy.

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 <estafetarastreo.com> be transferred to the Complainant.

*/Jonathan Agmon/*  
**Jonathan Agmon**  
Sole Panelist  
Date: June 4, 2026