ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Pablo Malpica v. Galang Li
Case No. D2026-2112

1. The Parties

The Complainant is Pablo Malpica, United States of America ("United States"), represented by Ferraiuoli LLC, United States.

The Respondent is Galang Li, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <laspapaslocas.com> 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 May 15, 2026. On May 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 18, 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 (PERFECT PRIVACY, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 20, 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 May 20, 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 May 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 16, 2026.

The Center appointed Zoltán Takács as the sole panelist in this matter on June 19, 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. On July 9, 2026 the Panel issued the Procedural Order No. 1, requesting that the Complainant provide clarifying evidence regarding the prior registration and use of the disputed domain name and the Complainant's purported trademark rights.

The due date for the Decision has been extended to July 24, 2026. The Complainant filed its supplemental submission by the established deadline. The Respondent did not file any submission.

4. Factual Background

The Complainant is the owner of a fast-food chain known as "Las Papas Locas" and has been operating mobile restaurants under this name in the United States and Puerto Rico, United States.

The Complainant is the owner of, among others, the United States Trademark Registration No. 4834611 for the word mark LAS PAPAS LOCAS registered on October 20, 2015 for mobile restaurant services. The record states that both the first use and first use in commerce of the mark commenced as of November 6, 2000.

The disputed domain name was originally registered on March 3, 2012 by the Complainant and was set to expire on March 2, 2026. The Complainant lost the disputed domain name due to issues arising during renewal of the disputed domain name.

The Respondent subsequently acquired the disputed domain name. According to the evidence submitted by the Complainant, on May 12, 2026 the disputed domain name resolved to an online lottery and gambling website.

Currently the disputed domain name does not resolve to 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:

- the disputed domain name fully incorporates its LAS PAPAS LOCAS mark and is therefore identical to the mark;

- the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;

- the Respondent acquired and used the disputed domain name in order to capitalize on the mark's value.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

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

6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

(i) the 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 domain name; and

(iii) the 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 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. 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 that 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 finds that 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.

The Panel finds that the Complainant evidenced that is has used the inherently distinctive LAS PAPAS LOCAS mark corresponding to the disputed domain name for a significant time period before the Respondent acquired the disputed domain name that was originally registered and used by the Complainant.

The Panel further notes that the evidence submitted by the Complainant indicates that the Complainant intended to retain the disputed domain name and paid renewal fees, but lost control of the disputed domain name following issues arising during the renewal and redemption process.

A relevant question for the Panel here is whether the Respondent undertook any efforts to screen its registration against readily-available online databases in order to avoid the registration of a potentially trademark-abusive domain name, and in this context the Panel will consider if it is more likely than not that the Respondent was seeking to take advantage of the Complainant and its trademark rights for the Respondent's own gain.

As mentioned above, the Complainant had used the disputed domain name incorporating its mark for a significant time period before the Respondent obtained the disputed domain name.

Had the Respondent performed a basic Google search before acquiring the disputed domain name at the Registrar's private auction, it would most likely have found that the LAS PAPAS LOCAS mark and the disputed domain name had been controlled and used by the Complainant in relation to its services.

Prior UDRP panels have found that a respondent who fails to search and/or screen a registration against available online databases would be responsible for any resulting abusive registration, depending on the facts and circumstances of the case, under the concept of willful blindness, irrespective of whether the registrant is a professional domainer or not. WIPO Overview 3.1, section 3.2.3.

The Respondent chose not to participate in this proceeding and therefore did not provide any explanation for its acquisition or use of the disputed domain name which was privately auction by the Registrar.

In these circumstances, in view of the Panel, it would be reasonable for a good-faith registrant to respond to the Complainant's allegation that it acquired the disputed domain name for the value of the Complainant's mark in the disputed domain name and not for any independent legitimate purpose. The Respondent's failure to do so is, to this Panel, a further indication of the presence of bad faith.

The Panel further notes the distinctiveness of the Complainants trademark and that the disputed domain name previously resolved to an online lottery and gambling website, which supports a finding of bad faith as the Respondent appears to have taken advantage of the Complainant's trademark to drive traffic to its commercial website.

As mentioned above, currently the disputed domain name does not resolve to any active website. In any case, this does not alter the Panel's conclusions, since non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.1, section 3.3.

In this context the Panel notes the Complainant's long-standing use of the LAS PAPAS LOCAS mark and the disputed domain name; the above findings of the Respondent's bad-faith conduct; the Respondent's lack of rights or legitimate interests in the disputed domain name and its failure to submit a response, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under 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 <laspapaslocas.com> be transferred to the Complainant.

/Zoltán Takács/
Zoltán Takács
Sole Panelist
Date: July 24, 2026