ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Agencia de Aduanas Pasar Ltda. Nivel 1 v. 3 Mings LLC, Ming K Chow
Case No. D2026-2346

1. The Parties

The Complainant is Agencia de Aduanas Pasar Ltda. Nivel 1, Colombia, represented by Muñoz Abogados S.A.S., Colombia.

The Respondent is 3 Mings LLC, Ming K Chow, United States of America ("United States"), self-represented.

2. The Domain Name and Registrar

The disputed domain name <pasar.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed in Spanish with the WIPO Arbitration and Mediation Center (the "Center") on May 30, 2026. On June 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (NameSilo, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 3, 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 in English, with annexes in Spanish, on June 8, 2026.

On June 3, 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 June 4, 2026, the Center received an email communication in English from the Respondent. On June 8, 2026, the Complainant confirmed its request that Spanish be the language of the proceeding.

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 June 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 30, 2026. The Response was filed in English with the Center on June 20, 2026.

The Center appointed Matthew Kennedy as the sole panelist in this matter on July 9, 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 Colombian company that provides integrated logistics services for different foreign trade processes. It participates significantly in the integrated logistics market, offering its services nationwide through its physical locations and its website. It holds the following Colombian trademark registrations:

- number 735978 for ALPASAR, registered on June 28, 2023, specifying goods and services in classes 16, 35, and 39;
- number 736318 for PASAR, registered on July 7, 2023, specifying goods and services in classes 16, 35, and 39; and
- number 740953 for a mixed PASAREX mark, registered on September 11, 2023, specifying goods and services in classes 16, 35, and 39.

The above trademark registrations are current. The Complainant uses the domain name <pasarltda.com> in connection with a website in Spanish where it provides information about itself and its logistics services. The website prominently displays a PASAR LOGISTICA INTEGRAL Y SEGURA and pelican design logo; two photographs show trucks painted with a PASAR and pelican design logo; while one page displays an ALPASAR SERVICIOS LOGISTICOS – ZONA FRANCA and pelican design logo. Another page shows text that includes a reference to the Complainant as “Pasar”.

A company related to the Complainant has registered dozens of domain names incorporating the element “pasar” or “pasarex”. According to evidence presented by the Respondent, one of those domain names (<pasarexpress.app>) resolves to a Pay-Per-Click (“PPC”) links parking page.

The Respondent is a company based in the United States. It has registered multiple domain names.

The disputed domain name was registered on March 18, 1999. It does not resolve to any website; rather, it is passively held. An email thread presented by the Respondent appears to show that in September 2008 the Respondent had an internal discussion about a geo-location concept for a global online classifieds platform. The subject line read “pasar”.

On May 29, 2026, the Complainant sent a draft of the Complaint to the Registrar.

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 its integrated logistics services are primarily identified under the trademark and trade name PASAR. The disputed domain name is identical to its PASAR mark and confusingly similar to its composite PASAREX mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not authorized to use the Complainant's trademarks as part of the disputed domain name.

The disputed domain name was registered and is being used in bad faith. The Respondent registered and acquired the disputed domain name for the purpose of preventing the Complainant from using it to reflect its trademark and offering its services through a website legitimately associated with said name. The disputed domain name is not operational, as access to it is not enabled for Internet users. Consequently, the disputed domain name does not fulfill any commercial, informative, or legitimate function that justifies its retention by the Respondent.

B. Respondent

The Respondent contends that the Complainant has not satisfied any of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent submits that the Spanish word "pasar" in the Complainant's line of business is a highly versatile verb that generally means "to pass", "to go through," or "to transfer". "Pasar" is only part of the Complainant's company name. The Complainant uses PASAR with a pelican logo. "Pasar" has not acquired sufficient secondary meaning to grant exclusive rights to the Complainant. In United States trademark practice, the Complainant would have to disclaim exclusive rights to use "pasar" and "alpasar".

The Respondent has rights and legitimate interests in respect of the disputed domain name. The Respondent registered "pasar", meaning "market" in Indonesian, and other versatile Indonesian words (such as "anggur", "belanja", "biru", "perusahaan", and "sewa", meaning "grape", "shopping", "bird", "company", and "rent", respectively) as domain names in the period 1998-2000. In 2008, the Respondent was developing a multilingual and multi-geo-location classifieds and marketplace website to leverage "pasar" as an Indonesian word but the project did not take off due to other priorities. The Respondent registered the disputed domain name 27 years before it received notice of the Complaint. Internal company documents demonstrate preparations to use the disputed domain name in connection with a bona fide offering of goods and services.

The disputed domain name was not registered and is not being used in bad faith. It is preposterous to assume that the Respondent intentionally registered and used the disputed domain name in bad faith because it registered other Indonesian versatile words around the same time more than 27 years ago. The Complainant has recently registered many domain names combining "pasar" with other elements in an effort to leverage its online presence but one resolves to a PPC landing page, not the Complainant's website. The Complainant never registers "pasar" alone in any TLD.

The Complainant's intention in bringing the Complaint is to obtain the disputed domain name, to which it has no exclusive right. It should have known that it did not have any basis to file a UDRP complaint and that this is a clear case of reverse domain name hijacking.

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is English. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The amended Complaint was filed in English, with annexes in Spanish. The Complainant requested that the language of the proceeding be Spanish for several reasons, including the fact that it is from Colombia, where the official language is Spanish, and the original evidence annexed to the Complaint is in Spanish.

The Response was filed in English, and included comments on the annexes to the Complaint in Spanish, demonstrating that the Respondent had understood them. Even so, the Respondent did not comment on the Complainant's language request.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English, but that it will accept all annexes as filed in their original language, whether English or Spanish, without translation.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(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.

The burden of proof of each element is borne by the Complainant.

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. See WIPO Overview 3.1, section 1.7.

The Complainant has shown registered rights in respect of a PASAR trademark, among others, at the time when the Complaint was filed. That is sufficient for the purposes of the first element of the Policy. See WIPO Overview 3.1, sections 1.1.3 and 1.2.1.

The Respondent submits that "pasar" is a Spanish word that has not acquired sufficient secondary meaning to grant exclusive rights to the Complainant. However, the Panel notes that the Complainant's trademark registration is current and contains no disclaimer. The nature of "pasar" as a dictionary word is considered in relation to the third element of paragraph 4(a) of the Policy below.

The entirety of the PASAR mark is reproduced within the disputed domain name. The only additional element is a generic Top-Level Domain ("gTLD") extension which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See WIPO Overview 3.1, section 1.7.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Given the Panel's findings under the third element of paragraph 4(a) of the Policy, it is unnecessary to consider the second element.

C. Registered and Used in Bad Faith

The Panel notes that the third element of paragraph 4(a) of the Policy contains two requirements that apply conjunctively. A complainant must show both that the domain name has been registered in bad faith and also that it is being used in bad faith. The former requires a demonstration that the Respondent knew, or should have known of the Complainant and/or the Complainant's trademark at the time when it registered or acquired the disputed domain name and that it registered the disputed domain name with a bad faith intention targeting the Complainant and/or its mark.

In the present case, the disputed domain name was registered in 1999. There is no allegation that the Respondent acquired it at a later date. The date of registration was 24 years before the Complainant obtained its trademark registrations in 2023. Where a respondent registers a domain name before a complainant's trademark rights accrue, UDRP panels will not normally find bad faith on the part of the respondent. See WIPO Overview 3.1, section 3.8.1.

The Panel sees no exceptional circumstances in this case that would indicate that the Respondent's intent in registering the disputed domain name was to capitalize on nascent, as yet unregistered, trademark rights. See WIPO Overview 3.1, section 3.8.2. An annex to the Complaint shows that the Complainant was registered as a company in Bogotá in 1978 and that its successive company names have incorporated the terms "Pasar Ltda", among others, but there is no evidence on the record of its activities or its use of any trademark at all other than as shown on its website at the present time. The Complainant did not file its trademark applications until 2022. In any case, "pasar" is a very common dictionary word in Spanish (meaning "to pass", among many other things), as well as a dictionary word in Indonesian and Malay (meaning "market") and, as such, it could have multiple uses in a domain name without reference to the Complainant. Nothing on the record indicates that the Respondent knew, or should have known, of the Complainant or nascent trademark rights when it registered the disputed domain name. Accordingly, the Panel does not find that the Respondent registered the disputed domain name with a bad faith intention targeting the Complainant and/or its mark.

Therefore, 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. See WIPO Overview 3.1, section 4.16.

The Panel notes that the Complainant has legal representation. Despite this, it made no attempt to show that the Respondent could or should have known of the existence of itself or any of its marks at the time when it registered the disputed domain name. It chose to ignore the prolonged interval between the registration of the disputed domain name and the registration of its trademarks, omitting even to state the trademark registration dates in its arguments. Further, the Complainant failed to acknowledge that the disputed domain name is a very common word with multiple meanings that do not refer to itself, such that a good faith use is plausible. There is every reason to believe that the Complainant knew that the Complaint as presented could not succeed on any reasonable interpretation of the Policy.

Clearly, the Complainant feels that it would make better use of the disputed domain name than the Respondent is making of it, but that is no basis for a UDRP complaint. The Complainant has unjustifiably put the Respondent to the time and effort of defending itself.

Therefore, the Panel 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.

/Matthew Kennedy/
Matthew Kennedy
Sole Panelist
Date: July 20, 2026