

ADMINISTRATIVE PANEL DECISION

Centro de Promociones Los Cabos San Lucas, S.A. de C.V. v. LUIS Siordia
Case No. D2026-2589

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 LUIS Siordia, Mexico.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 15, 2026. On June 15, 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 which differed from the named Respondent (DOMAIN REGISTRANT WITH NO PUBLIC INFORMATION / Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 16, 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 June 18, 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 June 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 16, 2026.

The Center appointed Martin Michaus Romero as the sole panelist in this matter on July 24, 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 company engaged in the provision hotel and tourism services, en Cabo San Lucas Baja California Sur, Mexico. It operates a collection of resort properties located in the destination, offering accommodation, dining, recreational activities, and vacation experiences directed at both domestic and international visitors. Its history dates to 1974, with more than fifty years of continuous operation in the hospitality industry. It has welcomed guests from around the world since that time, its longstanding presence reflects decades of activity in the Mexican tourism sector and the development of hospitality Services in Los Cabos. The Complainant has more than five decades of continuous activity in the hotel and tourism industry.

The Complainant is the owner of several trademark registrations dully granted in Mexico, United States, Canada and Panama, demonstrated by copies of the Trademark Certificates granted by the Trademark Authorities of each Jurisdiction. All the trademarks' registrations incorporate as a distinctive and predominant element of the term "Solmar". From the non-exhaustive list of the trademark registrations attached to the Complaint, the Complainant is the owner of trademark registrations granted in Mexico, by the Instituto Mexicano de la Propiedad Industrial (IMPI), such as:

1. Mark SOLMAR
Class 43
Registration Number: 1149459
Registration Date: March 19, 2010
2. Mark SOLMAR HOTELS & RESORTS
Class 39
Registration Number: 2834564
Registration Date: March 13, 2025
3. Mark GRAND SOLMAR LAND'S END
Class 43
Registration Number: 1106527
Registration Date: June 17, 2026

The Complainant owns thirty-eight (38) domain names and all of them include the trademark SOLMAR, the oldest one being the domain name <solmar.com>, registered on March 15, 1996.

The disputed domain name <solmarrewards.com> was registered on March 13, 2026, and according to the evidence submitted by the Complainant it was used to send fraudulent email communications.

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.

The Complainant contends that:

1. It has recently become aware of the disputed domain name <solmarrewards.com>, which does not belong to its corporate group and incorporates without its authorization the trademark SOLMAR, the principal distinctive element of its registered trademark. Upon discovery, the Complainant undertook all the necessary steps to initiate the present proceeding.
2. The Respondent registered the disputed domain name <solmarrewards.com>, which reproduces identically the trademark SOLMAR, the principal and dominant element of its registered trademarks. The Respondent registered the disputed domain name without any authorization or license from the Complainant.
3. The Respondent has no rights or legitimate interests in the disputed domain name, nor has it made any bona fide offering of goods or services thereunder.
4. The Complainant owns and has continuously used the trademark SOLMAR in connection with its commercial activities. Its rights in SOLMAR are well established and have been recognized since at least 1996, when it registered the domain name <solmar.com>.
5. The Respondent is actively and illegally exploiting the Complainant's established reputation and brand recognition to defraud consumers.
6. The Respondent has used the disputed domain name to operate fraudulent email communications from the email address "[...]@solarrewards.com" impersonating the Complainant and soliciting payments from the Complainant's clients.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probability that:

- (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 the disputed domain name; and
- (iii) the disputed 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 trademark SOLMAR is reproduced in its entirety within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The addition of the term "rewards" after the trademark SOLMAR does not prevent a finding of confusing similarity. Furthermore, the generic Top-Level Domain ".com" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), sections 1.8. and 1.11.1.

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 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 with 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 Respondent has neither used the disputed domain name for a bona fide offering of goods or services nor for a legitimate noncommercial or fair purpose. The Panel considers that the composition of the disputed domain name incorporating the Complainant's SOLMAR trademark and a term associated with its business carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.1](#), section 2.5.1. As such, in the Panel's view, the disputed domain name was created with the intention to mislead Internet users into believing that there is a connection or association with the Complainant.

The Respondent has used the disputed domain name to send fraudulent emails impersonating the Complainant and soliciting payments from the Complainant's clients. The Respondent is not commonly known by the name "Solmar" and holds no trademark rights in that term.

Panels have held that the use of a domain name for illegitimate activity here, claimed phishing, passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

In the present case, the Panel notes that:

- A. The Respondent should have been aware of the existence of the Complainant and its activities and business operations under the SOLMAR trademark, at the international level, at the time of registering the disputed domain name.
- B. The disputed domain name is confusingly similar to the Complainant's SOLMAR trademark.
- C. The Complainant's SOLMAR trademark and domain names predate the registration of the disputed domain name.
- D. The Complainant has not granted an authorization, consent or license to the Respondent to use the SOLMAR mark, as part of the disputed domain name.
- E. The Respondent is illegitimately using the disputed domain name to send fraudulent emails to the Complainant's clients, reproducing the Complainant's Trademarks (including the logos), without authorization, offering purported bonus weeks in exchange for payment, falsely representing affiliation with the Complainant.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, that it is incorporated in the composition of the disputed domain name, the absence of a response, and that the evidence of fraudulent email communications supports a finding of bad faith.

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 <solmarrewards.com> be transferred to the Complainant.

/Martin Michaus- Romero/

Martin Michaus- Romero

Sole Panelist

Date July 30, 2026