

ADMINISTRATIVE PANEL DECISION

Patagonia Inc. v. Rafael Llorens Fabregat
Case No. D2026-3725

1. The Parties

The Complainant is Patagonia Inc., United States of America ("United States"), represented by Ellipse IP, Spain.

The Respondent is Rafael Llorens Fabregat, Spain, self-represented.

2. The Domain Name and Registrar

The disputed domain name <patagoniaesport.com> is registered with IONOS SE (the "Registrar").

3. Procedural History

The Complaint was filed in Spanish with the WIPO Arbitration and Mediation Center (the "Center") on August 20, 2026. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 21, 2026, 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 (El Presunto Demandado) and contact information in the Complaint.

On August 21, 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 August 25, 2026, the Complainant filed an amended Complaint in English.

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 August 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2026. The Response was filed with the Center in English on September 16, 2026. On the following day, the Center sent an email communication to the Respondent noting that Annexes 1 to 3 and 5 to 7 were not included with this Response and requesting their submission

by September 18, 2026. No further annexes were received.

The Center appointed Matthew Kennedy as the sole panelist in this matter on September 28, 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, founded in the United States in 1973, manufactures and sells clothing, footwear and accessories for outdoor sports, among other products. It also engages in events such as community fun runs and bike rides. The Complainant holds multiple trademark registrations, including the following:

- Spanish trademark registration number M1115604 for a figurative PATAGONIA mark, registered on July 8, 1988, specifying goods in class 25;
- European Union trademark registration number 001904119 for PATAGONIA, registered on June 6, 2002, specifying goods and services in classes 18, 25 and 35; and
- European Union trademark registration number 017149303 for PATAGONIA, registered on January 8, 2018, specifying services in classes 35, 36, 38, 40, 41, 42, 43, 44, and 45, including sporting and cultural activities.

The Complainant also owns trademarks combining PATAGONIA with other textual elements. The Complainant uses the domain name <patagonia.com> in connection with a website where it provides information about itself and its products. A version of that website for Spain is associated with the sub-domain <eu.patagonia.com>. The Complainant opened its first European retail shop in France in 1987 and appointed its first distributor in Spain in 1993, who operates a website providing information about the Complainant and offering the Complainant's PATAGONIA brand clothing and accessories for sale.

The Respondent is an individual who provides IT and technical assistance to Roberto Marqués Serra, the operator of the Patagonia Esport project.

The disputed domain name was registered on July 14, 2010. It resolves to a website in Spanish that displays a Patagonia Esport logo and presents information about Patagonia Esport and the services that it offers to promote, organize and manage activities in the areas of seniors, team building, education, tournaments, personal training and health. The team presentation does not mention anyone by name. News items refer to a beach tennis tournament and summer padel camp in the Province of Castellón, Spain.

Patagonia Esport has been mentioned on a Castellón web portal in informational posts regarding the organization of community events, specifically, a martial arts exhibition at a marathon in 2011, a beach padel tournament in 2012, and summer padel camps in 2013 and 2016. One such mention identified Mr. Marqués Serra as director of Patagonia Esport and another showed the disputed domain name in a contact email address.

On December 10, 2024, Mr. Marqués Serra filed Spanish trade name application number N0479076 for a figurative PATAGONIA ESPORT trade name, for use in connection with sporting and related services in class 41. The Complainant opposed the application based inter alia on similarity to its European Union trademark registration number 017149303 for PATAGONIA. By decision of February 23, 2026, the Spanish Patent and Trademark Office ("OEPM") upheld the opposition and refused registration of the trade name.

On May 14, 2026, the Complainant sent a cease-and-desist letter to Mr. Marqués Serra.

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 incorporates the Complainant's well-known PATAGONIA trademark in its entirety and is confusingly similar. In addition to registered rights, the Complainant also claims unregistered rights in that mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not granted the Respondent any license, authorization or other permission to use the PATAGONIA trademark as an essential and dominant element of the disputed domain name, or as a trademark, trade name or other distinctive sign. There is no evidence that the Respondent is commonly known by the disputed domain name independently of the registration of the disputed domain name, nor that the Respondent owns any trademark rights in the designation "Patagonia Esport".

The disputed domain name has been registered and is being used in bad faith. The Complainant had a longstanding and continuous chain of trademark rights in PATAGONIA well before the registration of the disputed domain name. By 2010 the PATAGONIA trademark had acquired substantial recognition and reputation in the sports and outdoor clothing and equipment sector in Spain and throughout Europe. "Esport" is descriptive of the sporting services offered through the website, while PATAGONIA is a highly distinctive and reputed trademark in precisely the outdoor sports sector to which those services relate. The Respondent's website indicates that this commercial use of the designation dates back at least to 2020, which post-dates decades of commercial use and reputation of the PATAGONIA trademark and takes place in a field directly connected with the Complainant's core activities and reputation. The circumstances surrounding the subsequent use of the disputed domain name reinforce the inference of bad faith, as a 2024 Spanish trade name application for PATAGONIA ESPORT was refused, and no response was received to the Complainant's cease-and-desist letter in 2026. An Internet user encountering the disputed domain name may reasonably believe that the associated website constitutes a Spanish sporting events division, initiative or affiliated activity of the Complainant, particularly given the Complainant's established association with outdoor sports and its history of organizing, sponsoring and supporting sporting activities.

B. Respondent

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

The Respondent recognizes that the disputed domain name contains the word "patagonia" but contends that "Patagonia Esport" was not a name created for the purpose of the 2024 Spanish trade name application or as a consequence of the dispute with the Complainant. The historical evidence demonstrates that "Patagonia Esport" was publicly used in connection with sporting activities from at least 2011 onwards, shortly after the registration of the disputed domain name and well before the 2024 Spanish trade name application.

The Respondent denies that the disputed domain name was selected with the intention of targeting the Complainant, its trademarks, its customers, or its business. The name was used in connection with a genuine sporting project in Spain operating under the name "Patagonia Esport". The term "esport" refers to sport in the Valencian/Catalan linguistic context and is directly related to the nature of the sporting activities actually carried out by the project. The evidence does not establish the required bad faith registration of the domain name in 2010.

The Spanish trade name application was filed in 2024 and the refusal does not constitute a finding that the disputed domain name was registered in bad faith in 2010 or establish what the Respondent or Mr. Marqués

Serra intended in 2010. The relevant question is not merely whether the disputed domain name currently contains a term that is also present in the Complainant's trademark portfolio. The circumstances existing at the time of registration must be considered. The mere inclusion of the word "Patagonia" in the disputed domain name does not, without evidence concerning the circumstances and intention at the time of registration, establish bad faith registration. The Respondent does not agree that the disputed domain name creates confusion with the Complainant. The Respondent has never represented "Patagonia Esport" as a subsidiary, franchise, official distributor, official sports organization or other entity affiliated with the Complainant.

There are circumstances supporting legitimate interests in the disputed domain name. It has been associated with a genuine sporting project.

6. Discussion and Findings

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 of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown registered rights in respect of a PATAGONIA trademark for the purposes of the Policy. See [WIPO Overview 3.1](#), section 1.2.1. It is unnecessary to consider the Complainant's claim to unregistered rights in respect of the same mark.

The entirety of the PATAGONIA mark is reproduced within the disputed domain name. Despite the addition of "esport" (a Valencian and Catalan word meaning "sport"), the mark is recognizable within the disputed domain name. The only other element in the disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.1](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.1](#), section 2.1.

In the present case, the disputed domain name reproduces the PATAGONIA mark as its initial element, in combination with the descriptive word “esport” (meaning “sport”), resolving to a website for a project offering services to promote, organize and manage sporting and other activities. The Complainant submits that it has not granted the Respondent any license, authorization or other permission to use the PATAGONIA trademark. The website appears to be commercial; a registration fee is required for the summer padel camps. These circumstances do not indicate that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services, nor that he is making a legitimate noncommercial or fair use of the disputed domain name.

Further, the Respondent is named Rafael Llorens Fabregat and the person behind the website is named Roberto Marqués Serra; neither personal name resembles the disputed domain name. While the website associated with the disputed domain name displays a “Patagonia Esport” logo, there is little evidence of use of this name beyond the website itself, and an application for such a trade name filed by Mr. Marqués Serra has been refused.

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 submits that the disputed domain name is being used in conjunction with a genuine sporting project. However, the use of the PATAGONIA mark in the disputed domain name and on the associated website creates the potential for confusion, particularly since the mark is combined with the word “esport” (meaning “sport”), which triggers an inference of affiliation with the Complainant as a producer of clothing, footwear and accessories for sport and in light of its engagement in community sporting events.

The Respondent explains that he provides IT and technical assistance to Mr. Marqués Serra as the operator of the Patagonia Esport project. The name of that project is identical to the disputed domain name. However, the Respondent provides scant evidence of use of the project name, which consists of a few mentions over the years in the Castellón web portal. This does not show that the Respondent, or Mr. Marqués Serra, or his project, has been commonly known by the disputed domain name.

The Panel also notes that “Patagonia” is a geographical term referring to a region of South America but the disputed domain name is not used in that geographical sense. This does not generate any rights or legitimate interests for the Respondent in respect of the disputed domain name.

In summary, the Respondent has not rebutted the Complainant’s prima facie showing.

Based on the record, the Panel finds 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 fourth circumstance is as follows:

“(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] 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 location or of a product or service on [the respondent’s] web site or location.”

In the present case, the disputed domain name was registered in 2010, long after the registration of the Complainant's PATAGONIA trademark, including in Spain where the Respondent is based. By that time, the Complainant had been in operation internationally for many years and had had an official distributor in Spain for 17 years. It had already won at least one industry award for sustainability. The Complainant produces and sells clothing, footwear and accessories for outdoor sports, and the disputed domain name combines the mark with a word meaning "sport", which does not appear coincidental. While Mr. Marqués Serra may participate in the organization of sporting events, these take place on the beaches of Castellón in Spain with no apparent connection to the region of Patagonia. The Respondent provides no explanation as to why the term "Patagonia" was chosen for the "Patagonia Esport" project or the disputed domain name. In view of all the circumstances, the Panel finds the more plausible explanation for the choice of disputed domain name to be that the Respondent and Mr. Marqués Serra knew of the Complainant's mark at the time of registration of the disputed domain name.

As regards use, the disputed domain name resolves to a website for a project offering services to promote, organize and manage sporting and other activities. There is considerable evidence on the record regarding the Complainant's reputation subsequent to registration, including a famous advertising campaign in 2011, another successful campaign in 2013, favorable press coverage from 2017 to 2025, and prizes, awards, and rankings for sustainability and ethics received from 2019 to 2022. The Complainant's official distributor in Spain offers for sale PATAGONIA brand T-shirts, caps, waist bags, backpacks, fleece jackets, travel bags, and sweatshirts. Given this evidence and the Panel's findings in Section 6.B above, the Panel finds it more likely than not that the disputed domain name is intended to attract Internet users to the Respondent's website by taking advantage of the value of the Complainant's mark, within the terms of paragraph 4(b)(iv) of the Policy.

Several annexes to the Response were not received but they would not have altered the Panel's conclusion. Three of these annexes were intended to support the description of the respective roles of the Respondent and Mr. Marqués Serra, which the Panel has already accepted, while two annexes were intended to provide the OEPM decision and the cease-and-desist letter, which the Complainant had already submitted. Annex 4 was received, listing mentions of Patagonia Esport in the Castellón web portal, while the last annex was listed as "any other" ("cualquier otra") historical documentation evidencing the use and functioning of Patagonia Esport prior to 2024, without any indication in the Response that such documentation exists. The Respondent was asked to provide the missing annexes but failed to do so.

Therefore, 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 <patagoniaesport.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: October 6, 2026