

ADMINISTRATIVE PANEL DECISION

Galapagos Corporación Turística Galatours S.A. v. Steffen Sancho
Case No. D2026-3856

1. The Parties

The Complainant is Galapagos Corporación Turística Galatours S.A., Ecuador, represented by Redondo.gt, Guatemala.

The Respondent is Steffen Sancho, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <galapagoslegend.com> is registered with 123-Reg Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 28, 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 31, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 September 5, 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 September 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 29, 2026.

The Center appointed Matthew Kennedy as the sole panelist in this matter on October 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 part of an Ecuadorian expedition cruise operator and destination management company group. The Complainant owns and operates three expedition vessels in the Galapagos Islands, including the Ecuadorian-registered M/V Galapagos Legend, which has capacity for 100 passengers. Corporate management reports show that the Complainant acquired this vessel and commenced its refurbishment under the name “Galapagos Legend” in 2000, and that the vessel returned to service on December 23, 2001. Evidence shows the vessel name was used to refer to the Complainant’s luxury cruise services in online marketing as early as 2006. The Complainant holds an Ecuadorian trade name registration for “Galapagos Legend”, registered on April 24, 2024, with respect to services in classes 39, 41, and 43. Today, the Complainant’s corporate group uses the domain name <gogalapagos.com> in connection with a website titled “GoGalapagos Ecuador”, where the group provides information about itself, its cruises and its tours, including a page dedicated to Galapagos Legend cruises. The terms and conditions on the website refer to the provision of services, cruises, and programs booked with the Complainant and/or three related companies, including Kleintours SL, which are collectively referred to as “GO” or “KT Group”.

The Respondent is identified in the RDAP database as an individual named “Steffen Sancho”. His contact address matches that of the United States office of the Voyager Travel Company Cia Ltda or “Voyagers Travel”, a business that offers vacations in multiple destinations, including the Galapagos Islands, where it offers multiple cruises, including a “Galapagos Legend Cruise”. Voyagers Travel’s website displays an image of the M/V Galapagos Legend and a video labelled “A closer look at our ship”.

The disputed domain name was registered on May 18, 2001. According to a historical Whois record presented by the Complainant, there was at least one prior registrant, who appears to have held the disputed domain name as recently as 2021 or 2022. According to an archived screenshot presented by the Complainant, the disputed domain name resolved to a website on September 25, 2023 that was titled “Galapagos Legend”, offering cruises on the M/V Galapagos Legend, displaying an image of the vessel, and a menu of other travel-related options.

In September 2024¹, the disputed domain name began resolving to a webpage displaying a children’s story titled “Alejandro, the Galapagos Legend: A penguin’s tale”. By May 22, 2025, the webpage displayed the story beneath an underwater image of a penguin with menu options that included “Galapagos Islands”, “adventure”, and “Ecuador travel”, and a button labelled “Galapagos Cruises”. A text box read “Interested in visiting Galapagos? Visit our friends at Voyagers Travel where you can find Galapagos Islands Cruises and Hotel Based Tours”. By August 27, 2025, the disputed domain name resolved to a website for Galapagos Cruise Company LLC, that was titled “Galapagos Legend”, offering cruises on the M/V Galapagos Legend, displaying an image of the vessel, and a menu of other travel-related options. However, at the time of this proceeding, the disputed domain name resolves to the webpage displaying the children’s story without menu options or links.

The CEO of Galapagos Cruise Company LLC and associate director of several other Galapagos expedition travel businesses is named “Stephen Sancho”.

¹ The Panel notes its general powers articulated inter alia in paragraphs 10 and 12 of the Rules and has searched for archived Web pages in the Internet Archive (www.archive.org), which is a matter of public record to verify the record of use presented by the Complainant. The Panel considers this process of verification useful in assessing the case merits and reaching a decision. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.8.

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 claims unregistered trademark and service mark rights in GALAPAGOS LEGEND arising from its longstanding commercial use. The disputed domain name is identical to that mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not licensed, authorized, or otherwise permitted the Respondent to register or use the "Galapagos Legend" designation or trade name. There is no evidence that the Respondent is commonly known by the disputed domain name, owns corresponding trademark rights or any other trade name rights, or has conducted an independent bona fide business under the "Galapagos Legend" name. On the available record, there is no evidence that the Respondent had independently developed a literary project under the designation "Galapagos Legend" before notice of the dispute.

The disputed domain name has been registered and is being used in bad faith. The present record does not establish an unbroken chain of possession by the current Respondent since 2001. The disputed domain name reproduces GALAPAGOS LEGEND exactly. The Complainant has used that designation in connection with its expedition vessel and tourism services since 2000-2001. In September 2023, the disputed domain name was being used in connection with the Complainant's precise field of activity and the associated website displayed the vessel whose name it reproduces. Alternatively, if continuous possession of the disputed domain name since 2001 is established, the circumstances support consideration of nascent trademark rights. The historical use supports a finding of bad faith use. Delay does not bar the Complaint.

B. Respondent

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

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

The disputed domain name is identical to the Complainant's "Galapagos Legend" trade name but that is insufficient for the first element of the Policy, which requires the Complainant to demonstrate that it has rights in a trademark or service mark.

The Complainant also claims that it has unregistered trademark and service mark rights arising from its longstanding commercial use of the denomination “Galapagos Legend”. The Panel recalls that, in order to establish unregistered trademark rights for the purposes of the Policy, a complainant must show that its sign has become a distinctive identifier that consumers associate with its goods or services, or both. See [WIPO Overview 3.1](#), section 1.3.

The Complainant submits that “Galapagos Legend” is used to market the services provided on the M/V Galapagos Legend and functions as a commercial identifier. A vessel name, as recorded on its certificate of registry, is not per se prevented from functioning as a trademark. The Panel notes that the claimed mark is used in commerce. A page on the Complainant’s site is titled “Galapagos Legend”, which refers both to the vessel and a “boutique expedition cruise”. There is no evidence on the record of figures relating to the Complainant’s sales, marketing, and/or social media endorsements of cruises on this vessel, nor the degree of actual public recognition of the claimed mark. However, the denomination has been used online and offline to market cruises operated by the Complainant’s group. Much of that use was by third parties, such as retail booking agents and tour brokers. The evidence does not show that the vessel was offered for charter solely as a ship without cruise services included. In the circumstances, the Panel considers it more likely than not that consumers perceive “Galapagos Legend” as referring not only to the vessel but also to the services provided by the cruise operator, such as expedition itineraries, hospitality, activities, and naturalistic guiding. While the first term in the mark is descriptive (i.e., “Galapagos”, referring to the place where the cruises operate), its combination with “Legend” is distinctive. Moreover, there is evidence that the Respondent is affiliated with a competitor and has created a pretextual website to target it, which supports the Complainant’s claim that its mark has achieved significance as a source identifier. Based on the record, on balance, the Panel finds that the Complainant has established that it has unregistered trademark rights in GALAPAGOS LEGEND for the purposes of the Policy. See [WIPO Overview 3.1](#), section 1.3.

The disputed domain name wholly incorporates the GALAPAGOS LEGEND mark. Its only additional element 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 identity or confusing similarity for the purposes of the Policy. Accordingly, the Panel finds the disputed domain name identical to the mark for the purposes of the first element of the Policy. See [WIPO Overview 3.1](#), sections 1.7 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 is identical to the Complainant’s GALAPAGOS LEGEND mark, which creates a high risk of implied affiliation. However, the Complainant has not licensed, authorized, or otherwise permitted the Respondent to register or use the GALAPAGOS LEGEND mark. The disputed domain name resolves to an ostensibly non-commercial website displaying a children’s story. The disputed domain name appears in the story’s title, “Alejandro, the Galapagos Legend: A penguin’s tale” and in two of the three subtitles, “Why Alejandro became the Galápagos Legend” and

“Alejandro the Galápagos Legend”. The purpose of the 900-word story appears to be to connect the terms “galapagos” and “legend” and give the phrase an original meaning. The inference can be drawn that the ostensibly noncommercial story is a pretext intended to portray the use of the disputed domain name as legitimate. That inference is confirmed by the fact that the webpage formerly displayed commercial menu options, including links to Galapagos Islands cruises and other tours, before resolving to a website for the Galapagos Cruise Company LLC, then reverting to the children’s story webpage with menu options removed. The composition of the disputed domain name and the pretextual nature of the associated website show that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, and that he does not purport to be using it in connection with a bona fide offering of goods or services.

Further, the Registrar has verified that the Respondent is identified in the RDAP database as “Steffen Sancho”, whose contact address is associated with one of the offices of the Voyager Travel Company Cia Ltda or Voyagers Travel, and whose name is remarkably similar to that of the CEO of Galapagos Cruise Company LLC. None of these names resembles the disputed domain name. Nothing in the record indicates that the Respondent, whether as an individual, business, or other organization, has been commonly known by the disputed domain name.

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.

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, historical WhoIs records identify a third-party company as the registrant of the disputed domain name who appears to have held the disputed domain name as recently as 2021 or 2022, after which the public WhoIs records were obscured by a privacy service. However, the Registrar has now identified the Respondent, Steffen Sancho, as the current registrant. There is nothing in the record directly indicating a connection between the prior-registrant third-party company and the current Respondent, and the Complainant has claimed there has been a recent transfer of the disputed domain name despite recent public WhoIs information showing a privacy service. The Respondent has not addressed these matters or clarified the registration history. The record indicates that the Respondent has not been the registrant of the disputed domain name since 2001, but rather was transferred the disputed domain name years later. Such a transfer constitutes a new registration for purposes of assessing bad faith under the Policy. See [WIPO Overview 3.1](#), section 3.9.

From 2024, the disputed domain name was used intermittently in connection with content promoting GALAPAGOS LEGEND cruises and related services and with a children’s story titled “Alejandro, the Galapagos Legend: A Penguin’s Tale”, including in at least one period commercial cruise links on the children’s story page. In the circumstances, the Panel considers that the children’s story was used as a

pretext to create an appearance of legitimate use, while the disputed domain name was in fact intended to attract Internet users by creating a likelihood of confusion with the Complainant's GALAPAGOS LEGEND mark and capitalizing on the goodwill associated with that mark.

In view of the timing of the registration by the Respondent years after the Complainant had begun using the trademark, the Respondent's apparent knowledge of the Complainant and its GALAPAGOS LEGEND mark, and the subsequent use of the disputed domain name to target that mark, the Panel finds that the Respondent acquired the disputed domain name with the Complainant and its mark in mind and with the intention of exploiting the goodwill associated with that mark. Accordingly, the Panel concludes that the disputed domain name was registered in bad faith.

As regards use, the disputed domain name appears intended to operate by attracting Internet users searching for the Complainant or its Galapagos Legend cruises and diverting them to the Respondent's webpage, which formerly displayed a promotion for Galapagos Islands cruises and hotel-based tours of a company with which he is associated. Given the Panel's findings in Section 6B above, these circumstances fall within the terms of paragraph 4(b)(iv) of the Policy. Even though the webpage no longer displays commercial links or offers cruise services, the Panel has found in Section 6B that the current ostensibly noncommercial content is a pretext intended to portray the use of the disputed domain name as legitimate. That is a further indication of bad faith.

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 <galapagoslegend.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: October 23, 2026