

## ADMINISTRATIVE PANEL DECISION

Estafeta Mexicana, S.A. de C.V. v. xiao tian cai, tian cai de ji tuan li  
kai fa jiao o

Case No. DCC2025-0024

### 1. The Parties

The Complainant is Estafeta Mexicana, S.A. de C.V., Mexico, represented by Calderón & De La Sierra, Mexico.

The Respondent is xiao tian cai, tian cai de ji tuan li kai fa jiao o, Hong Kong, China.

### 2. The Domain Name and Registrar

The disputed domain name <estafetacr.cc> is registered with Gname.com Pte. Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on November 26, 2025. On November 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 28, 2025, 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 (IS PRIVATE / Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 2, 2025, 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 on December 4, 2025.

On December 2, 2025, the Center informed the Parties in Chinese and English, that the Language of the Registration Agreement for the disputed domain name is Chinese. On December 4, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on December 8, 2025. In accordance with the Rules, paragraph 5, the due date for submitting a response was December 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 29, 2025.

The Center appointed Joseph Simone as the sole panelist in this matter on January 5, 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, Estafeta Mexicana, S.A. de C.V., has been operating courier and logistics services in Mexico since 1979. The Complainant has developed an extensive logistics infrastructure, currently employing more than 12,400 people, with a fleet of approximately 5,000 vehicles, 129 distribution centers, three logistics hubs (San Luis Potosí, Veracruz, and Mexico City), and its own cargo airline, Estafeta Carga Aérea, which operates in both Mexico and the United States of America. The Complainant promotes its business at "www.estafeta.com".

The Complainant owns the following trade mark registrations for ESTAFETA:

- Mexico Trade Mark Registration No. 546615 ESTAFETA in Class 39 registered on April 24, 1997;
- Mexico Trade Mark Registration No. 548675 ESTAFETA in Class 38 registered on May 23, 1997;
- Mexico Trade Mark Registration No. 2042803 ESTAFETA in Class 35 registered on September 26, 2019; and
- Mexico Trade Mark Registration No. 2042804 ESTAFETA in Class 39 registered on September 26, 2019.

The disputed domain name was registered on June 17, 2025. At the time of issuance of this Decision, the disputed domain name resolves to an error page.

#### **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 registered by the Respondent is identical or confusingly similar to the Complainant's ESTAFETA marks.

The Complainant asserts that it has not authorized the Respondent to use the ESTAFETA marks, and there is no evidence to suggest that the Respondent has used, or has undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services.

The Complainant also claims there is no evidence that the Respondent has any connection to the ESTAFETA marks, and that there is no plausible good faith reason for the Respondent to have registered the disputed domain name.

The Complainant therefore argues that the registration and any use of the disputed domain name must be in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. 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 Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons:

- English is recognized as the lingua franca in international commercial and legal matters, which ensures equal procedural conditions for both Parties and the proper conduct of the proceeding; and
- Conducting the proceeding in Chinese would place the Complainant at a procedural disadvantage, as its authorized representative could be misled or make mistakes in the filing of the application by not clearly understanding the translation into Chinese, and it would be materially impossible to adequately understand the response that the Respondent might file, as well as the documents or evidence attached in that language.

The Respondent did not make any submissions with respect to the language of the proceeding, did not file any response and has taken no part in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel must act 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 (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), 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.

### **6.2 Substantive Issues**

#### **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 3.0](#), section 1.7.

The Panel acknowledges that the Complainant has established rights in the ESTAFETA trade marks. [WIPO Overview 3.0](#), section 1.2.1.

Disregarding the country code Top-Level Domain ".cc", the Panel finds the Complainant's ESTAFETA mark is clearly recognizable within the disputed domain name. The inclusion of the two additional letters "cr" does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1.

The Panel therefore finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing their rights in the ESTAFETA trade marks and in showing that the disputed domain name is confusingly similar to their mark.

## **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 the second element. [WIPO Overview 3.0](#), section 2.1.

In this case, the Complainant asserts that it has not authorized the Respondent to use its trade marks and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Having reviewed the available records, the Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or legitimate interests in the disputed domain name.

There is also no evidence to show that the Respondent has been commonly known by the disputed domain name or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

As such, the Panel concludes that the Respondent has failed to rebut the Complainant’s *prima facie* showing of the Respondent’s lack of rights or legitimate interests in the disputed domain name, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

Accordingly, and based on the Panel’s findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i)     circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or
- (ii)    circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its 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 its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

For reasons also covered in the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain name.

The Complainant's ESTAFETA trade mark registrations predate the registration of the disputed domain name. The Panel finds that the Respondent was or should have been aware of the Complainant's trade marks at the time of registration. This finding is supported by the composition of the disputed domain name, which has included in its entirety of the Complainant's registered ESTAFETA trade marks. Prior to the registration date of the disputed domain name, the ESTAFETA mark was already widely known and directly associated with the Complainant's activities. A simple online search for the term "estafeta" would have revealed the existence of the established ESTAFETA brand. [WIPO Overview 3.0](#), section 3.2.2.

The disputed domain name resolves to an inactive webpage, meaning that the disputed domain name has not been actively used by the Respondent. Panels have found that the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. More precisely, previous panels have already considered that passive holding of a disputed domain name can satisfy the requirements of paragraph 4(a)(iii) of the Policy, and that in such cases the panel must give close attention to all the circumstances of the Respondent's behavior (see *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). The factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. It should be emphasized that it is not required that all the above-listed factors be present in order to establish bad faith use of the disputed domain name (see, for example, *Compagnie Générale des Etablissements Michelin v. K Nandalal, BlueHost*, WIPO Case No. [D2021-3990](#)).

Having reviewed the available record, the Panel notes the reputation of the Complainant's trade mark, the composition of the disputed domain name, and the Respondent's failure to submit a response to the Complaint and thereby to provide any evidence of actual or contemplated good faith use are some of the factors under the doctrine of passive holding that are present in the case at hand. Additionally, in the Panel's opinion, the reputation of the Complainant's ESTAFETA trade marks and the structure of the disputed domain name are such that it is difficult to imagine any good faith use to which the disputed domain name could be put. With the above in mind, the Panel finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Accordingly, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith pursuant to paragraph 4(a)(iii) 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 <estafetacr.cc> be transferred to the Complainant.

*/Joseph Simone/*

**Joseph Simone**

Sole Panelist

Date: January 19, 2026