

## **ADMINISTRATIVE PANEL DECISION**

Pontificia Universidad Javeriana v. Maria Fernanda Rodriguez Zamora  
Case No. DCO2025-0035

### **1. The Parties**

The Complainant is Pontificia Universidad Javeriana, Colombia, represented by Cavelier Abogados, Colombia.

The Respondent is Maria Fernanda Rodriguez Zamora, Colombia.

### **2. The Domain Name and Registrar**

The disputed domain name <javeriana-edu.co> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 25, 2025. On March 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 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 (Hosting Concepts B.V. d/b/a Registrar.eu) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 28, 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 amendment to the Complaint on April 3, 2025.

The Center verified that the Complaint together with the amendment to the 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 April 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 28, 2025.

The Center appointed María Alejandra López García as the sole panelist in this matter on May 5, 2025. 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 private Colombian institution of higher education founded in 1623. Its principal place of business is in Bogotá, D.C., Colombia, and it currently has campuses in Bogotá and Cali. The Complainant offers a wide range of academic programs nationwide.

The Complainant owns among others, the following trademarks, which include the term “JAVERIANA”:

- Colombian trademark for JAVERIANA (word mark), Reg. No. 425800, in International Class (“IC”) 41, registered on May 16, 2011, and in force until May 16, 2031.
- Colombian trademark for PONTIFICIA UNIVERSIDAD JAVERIANA COLOMBIA (and design mark), Reg. No. 304159, in IC 41, registered on October 18, 2005, and in force until October 18, 2025.
- Colombian trademark for PONTIFICIA UNIVERSIDAD JAVERIANA COLOMBIA (and design mark), Reg. No. 304160, in IC 41, registered on October 18, 2005, and in force until October 18, 2025.

According to the submissions, the Complainant also owns the domain name <javeriana.edu.co>, created on July 6, 1999.

The disputed domain name was registered on July 22, 2024. By the time of this Decision, it resolves to an inactive website with no content on it.

The Respondent is apparently an individual located in the city of Bogotá, Colombia.

#### **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 is identical or confusingly similar to the Complainant’s registered trademark JAVERIANA; that the disputed domain fully incorporates the protected word element, creating an unequivocal impression of association with the Complainant; that the addition of the term “edu” reinforces the false affiliation with the Complainant.

Furthermore, the Complainant contends that the Respondent has no rights or any legitimate interests in respect of the disputed domain name as it fails to meet any of the criteria established in the Policy; in particular given that the disputed domain name which resolves to an inactive website has been used solely to send fraudulent emails and purchase orders to the Complainant’s suppliers with the intent to mislead them, with it impersonating the Complainant, which is evidence of clear illegal activity directly associated with the disputed domain name itself.

Finally, the Complainant contends that the disputed domain name has been registered and is being used in bad faith, given that the Complainant is one of the most recognized universities in Colombia, and its JAVERIANA trademark enjoys widespread recognition in the educational sector; the Respondent’s conduct falls within the circumstances outlined in paragraph 4(b)(iv) of the Policy, as the disputed domain name has

been used with the deliberate intent to attract third parties for commercial gain by creating confusion with the Complainant's trademark regarding its origin, sponsorship, affiliation, or association with the University; in particular by sending fraudulent emails to the Complainant's suppliers, impersonating the Complainant with the intent to mislead them and carry out fraudulent activities; that such use demonstrates that its registration was not driven by a legitimate interest but rather by a fraudulent and deceptive intent, confirming the Respondent's bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant must satisfy each of the three following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

To prevail, the Complainant must prove each of those requirements. No Response has been submitted by the Respondent, despite the opportunity to present its case. Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute on that basis.

### **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. Concerning trademark registrations with design elements, such elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7. and section 1.10.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "edu" may bear on the assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

As for the applicable country code Top-Level Domain ("ccTLD") ".co", it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. [WIPO Overview 3.0](#), section 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 the second element. [WIPO Overview 3.0](#), 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 disputed domain name resolves to an inactive website. According to the evidence submitted, the Respondent is using the disputed domain name to impersonate the Complainant, in this case, by sending fraudulent emails of purchase orders to the Complainant’s suppliers with the intent to mislead them, a fact that it is sufficient to this Panel to establish the lack of any rights or legitimate interests in respect of the disputed domain name.

Panels have held that the use of a domain name for illegal activity here claimed as phishing, impersonation, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

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

The Panel notes that, for 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.

In the present case, the Panel agrees with the Complainant that the Respondent’s conduct (impersonation), initially falls into paragraph 4(b)(iv) of the Policy, as the disputed domain name has been solely used with the deliberate intent to attract third parties for commercial gain by creating confusion with the Complainant’s JAVERIANA trademark regarding its origin, sponsorship, affiliation, or association with the University, and that certainly such use proves the Respondent’s full awareness of the JAVERIANA’s trademark reputation and value at the time of the disputed domain name’s registration.

Panels have held that the use of a domain name for illegal activity here claimed as phishing, impersonation, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <javeriana-edu.co> be transferred to the Complainant.

*/María Alejandra López García/*

**María Alejandra López García**

Sole Panelist

Date: May 15, 2025