

ADMINISTRATIVE PANEL DECISION

PONTIFICIA UNIVERSIDAD JAVERIANA v. Mauricio Ochoa
Case No. DCO2025-0038

1. The Parties

The Complainant is PONTIFICIA UNIVERSIDAD JAVERIANA, Colombia, represented by Cavalier Abogados, Colombia.

The Respondent is Mauricio Ochoa, Colombia.

2. The Domain Name and Registrar

The disputed domain name <javerianaedu.com.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 April 10, 2025. On April 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 12, 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 April 25, 2025, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on April 29, 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 May 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 23, 2025.

The Center appointed Estela Mariel de Luca as the sole panelist in this matter on May 27, 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.

The Panel has not received any requests from the Complainant or the Respondent regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is a Colombian catholic institution of higher education focused on the provision of teaching, research and educational services.

The Complainant owns the trademark JAVERIANA No. 425800, duly registered on May 16, 2011, before the Superintendence of Industry and Commerce of Colombia, covering services related to education, training, sports, and cultural activities (int. class 41).

The Complainant's official website is "www.javeriana.edu.co", registered on July 6, 1999, while the disputed domain name was registered on January 7, 2025.

The Respondent has used the disputed domain name to send fraudulent emails to the Complainant's suppliers impersonating the Complainant.

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 argues that the disputed domain name is confusingly similar to its registered trademark JAVERIANA. The Complainant submits that the disputed domain name wholly incorporates its trademark, and that the addition of the term "edu"—an abbreviation for "educational institutions"—does not avoid confusion but rather reinforces an association with the Complainant.

The Complainant also notes that the country-code Top Level Domain ("ccTLD") ".co", corresponding to Colombia, does not alter the overall perception that the disputed domain name is related to the Complainant, who legitimately uses the domain name <javeriana.edu.co>, which differs from the disputed domain name only by the extension ".com".

Consequently, the Complainant alleges that relevant public may mistakenly assume that the disputed domain name is official or authorized by the Complainant, creating likelihood of confusion and potential diversion of traffic, leading to the undue exploitation of the Complainant's reputation.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. It alleges that the Respondent has used the disputed domain name for fraudulent purposes—specifically, to impersonate the Complainant in emails sent to the Complainant's suppliers, with the intent to procure tech equipment and obtain financial which demonstrates the Respondent's bad faith, as it involves

the unlawful exploitation of the trademark owner's reputation to deceive and obtain illicit benefits. The Complainant provides documentary evidence of two such fraudulent communications sent from email addresses associated with the disputed domain name (Annexes 9 and 10 to the Complaint). According to the Complainant, these actions not only create a likelihood of confusion for the email recipients but also poses a serious reputational risk to the Complainant. In this regard, the Complainant relies on section 2.13.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), which confirms the use of a domain name for illegal activities—such as impersonation or fraud—can never establish rights or legitimate interests.

The Complainant further asserts that the Respondent registered and used the disputed domain name in bad faith. It argues that the Respondent's use of the domain name to impersonate the Complainant and deceive third parties for financial gain falls squarely within the scope of paragraph 4(b)(iv) of the Policy.

The Complainant further argues that the Respondent could not have registered the disputed domain name without knowledge of the Complainant's trademark, given its well-established and widely recognized reputation as one of Colombia's most recognized universities.

Accordingly, the Complainant submits that the Respondent's registration and use of the disputed domain name are both fraudulent and deceptive, and that all three elements under the Policy have been satisfied.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

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 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 entirety of the mark JAVERIANA is reproduced within the disputed domain name.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's mark for purposes of the Policy (see [WIPO Overview 3.0](#), section 1.7).

The addition of the term "edu" does not prevent a finding of confusing similarity (see [WIPO Overview 3.0](#), section 1.8).

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 Panel finds that the nature of the disputed domain name carries a risk of implied affiliation. The abbreviation ".edu" is commonly associated with accredited educational institutions and the Complainant operates in the education sector, therefore the inclusion of the term "edu" in the disputed domain name suggests an affiliation or connection with the Complainant.

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 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.

In the present case, the Panel agrees with the Complainant that the Respondent's conduct—specifically, impersonation—falls within the scope of paragraph 4(b)(iv) of the Policy. The disputed domain name has been used with the deliberate intent to attract third parties for commercial gain by creating a likelihood of confusion with the Complainant's JAVERIANA trademark as to the source, sponsorship, affiliation, or association with the Complainant. Such use demonstrates that the Respondent was fully aware of the JAVERIANA trademark's reputation and value at the time of registering 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 constitutes bad faith. [WIPO Overview 3.0](#), section 3.4

The Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <javerianaedu.com.co> be transferred to the Complainant.

/Estela Mariel de Luca/

Estela Mariel de Luca

Sole Panelist

Date: June 5, 2025