

ADMINISTRATIVE PANEL DECISION

Luigi Lavazza S.p.A. v. Domain Admin
Case No. D2024-5270

1. The Parties

The Complainant is Luigi Lavazza S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is Domain Admin, United States of America.

2. The Domain Name and Registrar

The disputed domain name <lavazzatabli.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2024. On December 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 23, 2024, 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 (Redacted for Privacy, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 26, 2024, 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 December 27, 2024.

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 January 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 28, 2025.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on January 30, 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 manufactures and sells coffee and was established in 1895. The Complainant owns trademark registrations for LAVAZZA worldwide such as:

1. European Union Trademark Registration No. 000317057, registered on May 25, 1998;
2. International Trademark Registration No. 317174, registered on July 18, 1966.

The Complainant owns International Trademark Registration No. 1782023 for LAVAZZA TABLÌ, registered on December 13, 2023.

The Complainant owns International Trademark Registration No. 1230943 for TABLÌ, registered on September 9, 2014.

The disputed domain name was registered on December 20, 2023, and is offered for sale for USD 2,850.

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 confusingly similar to a trademark in which the Complainant has rights. The disputed domain name incorporates the Complainant's trademark LAVAZZA TABLÌ in its entirety with the mere omission of the accent from the letter "i" and the addition of the generic Top-Level-Domain ("gTLD") ".com". Hyphens, apostrophes, and accents are irrelevant changes. The disputed domain name also incorporates the Complainant's trademark LAVAZZA. The combination of two trademarks does not eliminate confusing similarity. The addition of the gTLD ".com" does not impact the assessment as it is a standard registration requirement.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized by the Complainant to use its trademark nor is it a licensee of the Complainant. There is no evidence that the Respondent was commonly known by the disputed domain name. The Respondent is not using the disputed domain name nor has any demonstrable plans to use it for a bona fide offering of goods or services or for a legitimate noncommercial use or fair use. In fact, the disputed domain name is offered for sale for an amount exceeding the out-of-pocket costs.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent must have known the Complainant's trademark, which is well-known and has been in use since 1895. The Complainant's trademark is well-known as per prior UDRP decisions. The disputed domain name was registered a few days after the registration of the Complainant's trademark LAVAZZA TABLÌ. This is a case of opportunistic bad faith. The disputed domain name is offered for sale for USD 2,850, which is an amount far exceeding the out-of-pocket costs. The mere registration of a domain name that is identical or confusingly similar to a famous trademark by an unaffiliated entity can by itself create a presumption of bad faith. Additionally, the Respondent did not reply to the cease-and-desist letter.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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 LAVAZZA TABLÌ is reproduced within the disputed domain name, albeit the accented letter "ì" has been replaced with an "i". Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

While the resale of domain names consisting of acronyms, dictionary words, or common phrases can be bona fide and is not per se illegitimate under the UDRP, here the Panel notes that the disputed domain name is identical to the Complainant's distinctive trademark, was registered only a few days after the registration of the trademark, and is offered for sale at a price likely exceeding the Respondent's out-of-pocket expenses, absent evidence to the contrary.

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 notes that the Respondent must have been aware of the Complainant's trademark as it is well-known, has been in use for more than a century and was registered 57 years before the registration of the disputed domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may 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.

The Panel finds applicable the circumstances set out in UDRP paragraph 4(b)(i), namely that "the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark 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".

This conclusion is drawn from the fact that the Respondent registered the essentially identical disputed domain name only a few days after the Complainant's registration of the trademark and has offered it for sale for a price likely exceeding the Respondent's out-of-pocket expenses, absent evidence from the Respondent to the contrary.

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 <lavazzatabli.com> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: February 4, 2025