

## ADMINISTRATIVE PANEL DECISION

Ferrari S.p.A. v. Jade Henry  
Case No. D2024-4917

### 1. The Parties

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

The Respondent is Jade Henry, Germany.

### 2. The Domain Name and Registrar

The disputed domain name <ferrarlworldabudhabi.com> is registered with NameCheap, Inc. (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 27, 2024. On November 28, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 28, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 29, 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 amendment to the Complaint on December 2, 2024.

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 December 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 27, 2024.

The Center appointed Peter Kružliak as the sole panelist in this matter on January 3, 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 famous sport and road car construction company founded in 1947 and based in Italy. The history of the Complainant is closely associated with Formula 1, where it has been continuously participating since 1950. The Complainant commercializes its vehicles in over 100 countries through hundreds of official dealers.

In 2010, the Complainant opened “Ferrari World” in Abu Dhabi, the first FERRARI theme park, which is operated by the Complainant’s partner Miral Experiences LLC

The Complainant is the owner of inter alia the following FERRARI trademark registrations:

- European Union Trademark Registration FERRARI (word), number 001616473, registered on November 27, 1998 for classes 3, 6, 9, 14, 16, 18, 24, 25, 28 and 41;
- European Union Trademark Registration FERRARI (word), number 000448605, registered on November 27, 1998, for classes 12 and 37; and
- European Union Trademark Registration FERRARI (figurative), number 003491867, registered on April 18, 2005, for classes 4, 8, 11, 20, 21, 26, 29, 30, 31, 34, 35, 38, and 39.  
(collectively the “FERRARI trademark”)

Besides other FERRARI trademark registrations in numerous jurisdictions all over the world, the Complainant owns also FERRARI WORLD trademarks, including:

- International Trademark Registration FERRARI WORLD (combined), number 1085878, registered on September 1, 2009, for classes 3, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 22, 24, 25, 26, 28, 29, 30, 34, 35, 36, 37, 38, 39, 41, 42, 43, and 44 protected in the following jurisdictions: Algeria, Australia, China, Egypt, European Union, Iran (Islamic Republic of), Japan, Morocco, Norway, Oman, Republic of Korea, Russian Federation, Singapore, Switzerland, Syrian Arab Republic; and
- United Arab Emirates Trademark Registration FERRARI WORLD (word mark), number 097543, registered on November 1, 2009, for class 41.  
(collectively the “FERRARI WORLD trademark”)

The Complainant also registered many domain names containing the FERRARI trademark, including <ferrari.com>. The Complainant also owns the domain name <ferrariworldabudhabi.com>, which is used to promote the Ferrari World theme park in Abu Dhabi. Furthermore, the record shows that according to the InterBrand Best Global Brands List 2024, the trademark FERRARI is valued at USD 13.1 billion and represents the 62nd most valuable trademark in the world. The Complainant also indicated numerous UDRP panel decisions confirming the reputation and well-known character of the FERRARI trademark.

The Respondent is an individual reportedly located in Germany. The disputed domain name was created on May 11, 2024, and based on available record it originally resolved to a website impersonating the Complainant and mirroring some content from the Complainant’s official website at the domain name <ferrariworldabudhabi.com> and purportedly offering for sale tickets to the Complainant’s theme park. The Complainant has provided further evidence showing that the website subsequently was no longer available.

## 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 <ferrarlworldabudhabi.com> is confusingly similar to the registered trademarks of the Complainant, as it reproduces the registered trademarks FERRARI and FERRARI WORLD in their entirety, albeit with the replacement of "i" for "l" in the trademark FERRARI. The replacement of the "i" with an "l" amounts to a clear case of typo-squatting. The disputed domain name therefore should be found confusingly similar to the registered trademark in line with WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.9.

The addition of the geographical term "Abu Dhabi" to the misspelled FERRARI WORLD mark and the addition of the terms "world" and "Abu Dhabi" to the misspelled FERRARI mark does not prevent the finding of confusing similarity, as it is well-established principle that a domain name that wholly incorporates a trademark is found to be confusingly similar for purposes of the Policy, despite the fact that the domain name may also contain other terms. The Complainant also emphasized that the addition of the generic Top-Level Domain ("gTLD") ".com" shall be disregarded for the determination of confusing similarity.

The Complainant further asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not a licensee, authorized agent of the Complainant or in any other way authorized to use the Complainant's trademarks FERRARI and FERRARI WORLD and it is well-established that in the absence of any license or permission from a Complainant to use Complainant's trademarks, no bona fide or legitimate use of the disputed domain name could reasonably be claimed. The Respondent cannot claim to have been commonly known by the disputed domain name before any notice of the dispute and has not provided the Complainant with any evidence of use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. The disputed domain name originally resolved to a website which copied the Complainant's official website, which was clearly designed to give the false impression that the website was operated by the Complainant and previous panels have held that there cannot be legitimate interests when a respondent uses a complainant's trademark to create the impression of an association with the complainant. With reference to the circumstance that the disputed domain name at the moment of filing of the Complaint resolved to an inactive website (as it has been suspended following the sending of an abuse report to the Registrar), panels have constantly maintained that passive holding of a domain name does not constitute a legitimate noncommercial or fair use, especially in case of prior infringing uses.

And finally, the Complainant submits that the unauthorized registration and use of the disputed domain name by the Respondent constitutes bad faith registration and use. According to the Complainant, the misappropriation of a well-known trademark as a domain name by itself constitutes bad faith registration for the purposes of the Policy and the fact that FERRARI is a well-known trademark was explicitly established in several prior UDRP decisions. In light of the above, it is inconceivable that the Respondent was not aware of the Complainant's trademark rights at the time of the registration of the disputed domain name. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The fact that the disputed domain name is clearly confusingly similar to the Complainant's trademarks FERRARI and FERRARI WORLD and almost identical to the Complainant's domain name <ferrariworldabudhabi.com>, from which it differs only by one single letter ("l" instead of "i"), suggests that the Respondent registered the disputed with the intention of passing off as the Complainant in order to benefit from the Complainant's reputation and the Respondent registered the disputed domain name with the clear intention to target the Complainant and its trademarks, which constitutes bad faith on the part of the Respondent. With regard to the fact that the disputed domain name points to inactive website, the

Complainant points out that as established in a number of prior cases, “bad faith use” includes also passive holding and the finding of bad faith should not be prevented due to: (i) the degree of distinctiveness and reputation of the Complainant’s trademarks FERRARI and FERRARI WORLD, with which the disputed domain name is confusingly similar; (ii) the failure of the Respondent to reply to the Complainant’s cease and desist letter and to provide any evidence of actual or contemplated good-faith use; (iii) the Respondent concealing its identity in the public Whois records; and (iv) the implausibility of any good faith use to which the disputed domain name may be put.

## **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 both FERRARI trademark and FERRARI WORLD trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of both the FERRARI trademark and the FERRARI WORLD trademark is reproduced within the disputed domain name with the replacement of the letter “i” in the word FERRARI for the letter “l” and the addition of a term “abudhabi”. The replacement of letter “i” for the letter “l” amounts to clear case of typo-squatting. An obvious misspelling of the Complainant’s trademarks as well as the addition of other terms, here “abudhabi” (and when considering solely the FERRARI trademark also the term “world”), does not prevent a finding of confusing similarity between the disputed domain name and the FERRARI trademark and the FERRARI WORLD trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the disputed domain name is confusingly similar to the FERRARI trademark and the FERRARI WORLD trademark 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.

The available record does not show any trademark registrations or earlier relevant rights of the Respondent in the terms corresponding to the disputed domain name, nor does it show that the Respondent is commonly known by the disputed domain name.

Per the available record the disputed domain name originally resolved to a website displaying the Complainant's trademark and logo, mirroring some content from the Complainant's official website and purportedly offering for sale tickets to the Complainant's theme park. Panels have held that the use of a domain name for illegitimate activity, here claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. As for the present use of the disputed domain name, the unavailability of the website under the disputed domain name on the day of this Decision does not affect this finding.

The FERRARI trademark has been recognized as well known repeatedly by previous UDRP panel decisions (see *Ferrari S.p.A. v. JK Marketing*, WIPO Case No. [D2001-1003](#); *Ferrari S.p.A. v. Pierangelo Ferrari*, WIPO Case No. [D2001-1004](#); *Ferrari S.p.A. v. Inter-Mediate Ltd.*, WIPO Case No. [D2003-0050](#); *Ferrari S.P.A., Fila Sport S.P.A., v. Classic Jack*, WIPO Case No. [D2003-0085](#); *Ferrari S.p.A. v. Ms. Lee Joohee (or Joo-Hee)*, WIPO Case No. [D2003-0882](#); *Ferrari S.p.A. v. ASDAQ.com*, WIPO Case No. [D2004-0342](#); *Ferrari S.p.A. v. Jim Paulos*, WIPO Case No. [D2008-1090](#); *Ferrari S.p.A. v. ST Network International Limited*, WIPO Case No. [DAE2009-0004](#); *Ferrari S.p.A. v. American Entertainment Group, Inc.*, WIPO Case No. [D2004-0673](#); *Ferrari S.p.A. v. Privacy LLC*, WIPO Case No. [D2010-0895](#) and *FERRARI S.p.A. v. Nathan Joseph*, WIPO Case No. [D2012-0354](#)). The other terms in the disputed domain name "world" and "abu dhabi" were demonstrably used by the Complainant within its commercial activities, including the domain name registration of <ferrariworldabudhabi.com>. The composition of the disputed domain name incorporating a misspelling of the Complainant's trademarks and nearly identical to the Complainant's own domain name <ferrariworldabudhabi.com> signals an intention on the part of the Respondent to confuse users seeking or expecting the Complainant. The content of the website previously exhibited at the disputed domain name reinforces this finding.

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 first notes that the FERRARI trademark is registered in many jurisdictions globally, enjoys significant reputation and is well known, as recognized by numerous earlier UDRP panel decisions (see above), and the FERRARI WORLD trademark has been used in connection with the Complainant's theme park activities and their official website for a substantial period of time. Furthermore, the Panel points out the geographical term "abudhabi" in the disputed domain name, which was demonstrably used by the Complainant within its commercial activities as the location of its theme park and is included also in the Complainant's earlier domain name registration of <ferrariworldabudhabi.com>. As a result, it is not conceivable that the Respondent registered the disputed domain name without knowledge of the Complainant's FERRARI trademark and FERRARI WORLD trademark, which supports a finding of bad faith registration.

The disputed domain name originally resolved to a website impersonating the Complainant, mirroring some content from the Complainant's official website and purportedly offering for sale tickets to the Complainant's theme park. Panels have held that the use of a domain name for illegitimate activity, here claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

With regard to the present use of the disputed domain name, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes: (i) the distinctiveness of the Complainant's trademarks; (ii) the above described reputation of the Complainant's FERRARI trademark; (iii) its well known character; (iv) the composition of the disputed domain name which contains a misspelling of the FERRARI WORLD trademark and is nearly identical to the Complainant's official domain name <ferrariworldabudhabi.com>; and (v) the failure of the Respondent to file any response or provide any evidence of actual or contemplated good-faith use. Given the totality of the circumstances discussed above, the Panel finds that, in the circumstances of this case, the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. Rather, the Panel finds that the change in use reinforces the finding that there was no good faith intention behind the registration and prior use of the disputed domain name.

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

*/Peter Kružliak/*

**Peter Kružliak**

Sole Panelist

Date: January 17, 2025