

## **ADMINISTRATIVE PANEL DECISION**

Valentino S.p.A. v. Murphy Wu  
Case No. D2025-0186

### **1. The Parties**

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

The Respondent is Murphy Wu, China.

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

The disputed domain name <valentinooutletshop.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 January 17, 2025. On January 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 January 20, 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 January 21, 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 January 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 18, 2025.

The Center appointed Alan L. Limbury as the sole panelist in this matter on February 20, 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**

Founded in 1960, the Complainant, Valentino S.p.A., is a major player on the fashion scene, offering a wide range of luxury products from Haute Couture and Prêt-à-Porter to an extensive accessories collection that includes bags, shoes, small leather goods, belts, eyewear, silks, and perfumes.

The Complainant is the owner of numerous registrations for the trademark VALENTINO, including:

International Registration No. 570593, registered on April 24, 1991, designating China (the jurisdiction in which the Respondent is located) since January 1, 2002 for International Classes 25; and

International Registration No. 1110543, registered on January 13, 2012, designating China since October 3, 2012 for International Classes 9, 38, and 41.

The Complainant operates its main website at “www.valentino.com”.

The disputed domain name <valentinooutletshop.com> was registered by the Respondent on September 4, 2024. It resolves to a website prominently displaying the Complainant’s VALENTINO mark, as well as other marks belonging to the Complainant. The website is entitled “Replica Valentino Outlet Online Store”, with pages for Bags, Wallets, Shoes, Accessories, Jewelry, and Swimwear, containing images of the Complainant’s products copied from the Complainant’s website, offered for sale at heavily discounted prices. For example:

“Buy Cheap Valentino Alltime Shoulder Bag In Grainy Calfskin Black from www.valentinooutletshop.com  
Replica Valentino Outlet Online Store with 75% Price Off and Free Worldwide Shipping.”

#### **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 <valentinooutletshop.com> registered by the Respondent is confusingly similar to the registered trademark VALENTINO in which the Complainant has rights; the Respondent has no rights or legitimate interests in respect of the disputed domain name; which was registered and is being used in bad faith.

As to legitimacy, the Complainant says inter alia that the Respondent is not an authorized reseller of the Complainant and has not been authorized to register and use the disputed domain name. The Complainant is not aware of any evidence demonstrating that the Respondent might be commonly known by a name corresponding to the disputed domain name. The Respondent has not provided the Complainant with any evidence of the use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services before any notice of the dispute. There is no evidence that the Respondent might have used the disputed domain name in connection with a legitimate noncommercial or fair use, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademark. Rather, the Respondent has used the disputed domain name to redirect users to a website featuring the Complainant’s trademarks, publishing the Complainant’s product images, and offering for sale

counterfeit VALENTINO products at very low prices, without providing any disclaimer as to the Respondent's lack of relationship with the Complainant. Irrespective of the nature of the products offered on the Respondent's website, the Respondent's use of the domain name does not meet the criteria set forth in *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) for a reseller to make a bona fide offering of goods using a domain name containing the complainant's trademark.

As to bad faith, the Complainant says inter alia that the well-known character of the trademark VALENTINO has been recognized in prior UDRP decisions. Therefore, it is inconceivable that the Respondent was not well aware of the Complainant's trademark rights when registering the disputed domain name. As highlighted in *Valentino S.p.A. v. Wu Dong*, WIPO Case [D2018-0641](#):

"The use of the Complainant's trademarks to promote and sell what appear to be counterfeit is evidence that the Respondent registered and is using the disputed domain names having knowledge of the Complainant and the Complainant's trademarks and indicates that the Respondent's primary intent with respect to the disputed domain names is to trade off the value of these".

The use of the disputed domain name in connection with the commercial website displaying the Complainant's trademarks and product images and offering for sale counterfeit VALENTINO branded products, clearly indicates that the Respondent's purpose in registering the domain name was to capitalize on the reputation of the Complainant's trademark, by attracting Internet users seeking the Complainant's branded products to its own website for commercial gain and intentionally creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website and the goods offered and promoted through said website. As a further circumstance evidencing the Respondent's bad faith, the Respondent did not reply to the Complainant's cease and desist letter and subsequent reminder.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

- (i) the domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a Response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint. However, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3.

## **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 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 "outlet" and "shop", may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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. The generic Top-Level Domain ("gTLD") ".com" may be ignored under this element.

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.

Panels have held that the use of a domain name for illegitimate activity (here, the sale of purportedly counterfeit goods and impersonation/passing off) 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, including:

“(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location”.

In the present case, the Panel notes that the Respondent registered the disputed domain name long after the Complainant acquired rights in its well-known VALENTINO mark and finds that the Respondent was well aware of the mark when registering the disputed domain name. Further, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and of the goods promoted on that website. This demonstrates registration and use in bad faith to attract users for commercial gain under paragraph 4(b)(iv) of the Policy.

Further, panels have held that the use of a domain name for illegitimate activity (here, the sale of purportedly counterfeit products and impersonation/passing off), 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 <valentinooutletshop.com> be transferred to the Complainant.

*/Alan L. Limbury/*

**Alan L. Limbury**

Sole Panelist

Date: February 23, 2025