

## **ADMINISTRATIVE PANEL DECISION**

Mr. Jean Amazan v. mesut erdogan  
Case No. D2025-0220

### **1. The Parties**

The Complainant is Mr. Jean Amazan, Germany, represented by Elbkanzlei Dr. Nolting & Partner PartG, Germany.

The Respondent is Mesut Erdogan, Türkiye.

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

The disputed domain name <petsalonzzi.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 January 21, 2025. On January 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 22, 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 (Dynadot, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 23, 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 the same day.

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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 18, 2025. The Complainant submitted a supplemental filing on February 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 19, 2025.

The Center appointed Luca Barbero as the sole panelist in this matter on February 21, 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 the owner of the following trademark registrations for PETSALONZZI (word mark):

- German trademark registration No. 302024122294, filed on November 27, 2024, and registered on December 17, 2024, in classes 41, 43 and 44;
- Swiss trademark registration No. 825886, filed on November 27, 2024, and registered on January 29, 2025, in classes 41, 43 and 44;
- International trademark registration No. 1838300, registered on December 3, 2024, in classes 41, 43 and 44.

The Complainant also owns the European Union trademark application No. 019112378 for PETSALONZZI (word mark), filed on November 27, 2024, in international classes 41, 43 and 44.

The disputed domain name <petsalonzzi.com> was registered on November 27, 2024, and is pointed to a webpage where it is being 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 it has rights in the trademark PETSALONZZI based on the trademark registrations and application cited above.

The Complainant states that the disputed domain name was registered on the same day and immediately following the filing of the Complainant's trademark applications in Germany, Switzerland and European Union and was put by the Respondent on sale immediately afterwards.

The Complainant further contends that the Respondent does not have trademark rights in PETSALONZZI and does not maintain its own business operations under the name PETSALONZZI.

With reference to the circumstances evidencing bad faith, the Complainant indicates that considering the disputed domain name was registered on the same day as the filing of the Complainant's trademark applications and the disputed domain name was immediately offered for sale for USD 2,850, the Respondent registered the disputed domain name primarily for the purpose of selling, renting or otherwise transferring the disputed domain name to the Complainant, which is the owner of the corresponding trademark.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law

that it deems applicable.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

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

#### **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. Indeed, the Complainant has provided evidence of valid trademark registrations for PETSALONZZI in Germany and Switzerland.

The entirety of the mark is reproduced within the disputed domain name without any variation. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

In addition, the generic Top-Level Domain “.com” can be disregarded under the first element confusing similarity test, being a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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.

According to the evidence on record, there appears to be no relationship between the Complainant and the Respondent, and the Complainant has not authorized the Respondent to register or use its trademark or the disputed domain name.

Moreover, there is no element from which the Panel could infer that the Respondent has rights over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The Panel notes the distinctiveness of the Complainant's trademark, which does not appear to have a meaning in any language, and the resolving of the disputed domain name to a website where it is offered for sale for USD 2,850, and finds that the Respondent's use of the disputed domain name does not amount to a bona fide offering of goods or services or a legitimate noncommercial or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

Therefore, the Panel finds the second element of the Policy has also 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 Respondent registered the disputed domain name on the same date in which the Complainant filed its trademark applications for PETSALONZZI in Germany, Switzerland, and European Union.

The Panel finds that the Respondent's registration of the disputed domain name, identical to the Complainant's trademark, cannot amount to a mere coincidence. Indeed, considering the distinctiveness of the Complainant's trademark, the timing of the registration and the circumstance that the disputed domain name has been offered for sale afterwards, the Panel finds that the Respondent was very likely aware of the Complainant's trademark applications and registered the disputed domain name in bad faith to capitalize on the Complainant's nascent trademark rights. [WIPO Overview 3.0](#), section 3.8.2.

In view of the resolving of the disputed domain name to a website offering it for sale at USD 2,850, the Panel also finds that, on balance of probabilities, the Respondent registered the disputed domain name to sell it to the Complainant, which is the owner of the identical trademark PETSALONZZI, for valuable consideration likely in excess of the out-of-pocket costs directly related to the disputed domain name, according to paragraph 4(b)(i) of the Policy.

The Panel further finds that, considering the use of the disputed domain name described above, the Respondent has also intentionally attempted to attract Internet users to the corresponding website for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website, according to paragraph 4(b)(iv) of the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy as well.

### **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 <petsalonzzi.com> be transferred to the Complainant.

*/Luca Barbero/*

**Luca Barbero**

Sole Panelist

Date: March 7, 2025