

## **ADMINISTRATIVE PANEL DECISION**

Quellogiusto S.R.L. v. Thomas Holden  
Case No. D2025-1639

### **1. The Parties**

The Complainant is Quellogiusto S.R.L., Italy, represented by Cervato Law & Business s.r.l. Società tra Avvocati, Italy.

The Respondent is Thomas Holden, United States of America.

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

The disputed domain name <quellogiustos.com> is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 23, 2025. On April 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 April 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 21, 2025.

The Center appointed Miguel B. O’Farrell as the sole panelist in this matter on May 23, 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, Quellogiusto S.R.L., is an Italian company established in 2006 and operates in the business of shoes, apparel and accessories in 16 stores in northeast Italy and through the Internet with an annual multimillion turnover.

The Complainant owns several trademark registrations for QUELLOGIUSTO, including the following:

Italian Trademark Registration No. 362017000148233 QUELLOGIUSTO, registered on September 6, 2018, in classes 18 and 25;

Italian Trademark Registration No. 362021000147185 QUELLOGIUSTO, registered on January 18, 2022, in classes 18, 25 and 35;

Italian Trademark Registration No. 30202000019123 QUELLOGIUSTO, registered on September 10, 2020, in classes 18, 25 and 35.

The Complainant also owns the domain names <quellogiusto.it>, registered on September 17, 2007, and <quellogiusto.com> registered on December 13, 2007, which the Complainant uses to sell and promote its goods.

The disputed domain name was registered on May 10, 2024, and resolves to a fake clone webpage headed “Pilar Prieto”, a Spanish third party unrelated to the Complainant operating in the same field of shoes, apparel and accessories.

#### **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 if an Internet consumer should conclude a purchase in the fake clone website to which the disputed domain name resolves it won’t receive the good purchased because the e-commerce seller identified therein is fake, thus determining a classic case of scam and consumer fraud or – the worst – a phishing strategy to collect the customer’s data including credit card information.

The Complainant requests the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

##### **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 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.

The Panel finds that the addition of the letter “s” to the Complainant’s trademark in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the mark for purposes of the Policy. [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.

Panels have held that the use of a domain name for committing fraud, here claimed, by resolving to a fake cloned third-party website and phishing 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.

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 is satisfied that the Respondent was aware of the Complainant’s business and trademark QUELLOGIUSTO when it registered the disputed domain name on May 10, 2024.

The Panel finds that also in this case by registering the disputed domain name, which includes the Complainant’s trademark in its entirety, the Respondent was targeting the Complainant and its business.

The addition of the letter “s” to the Complainant’s trademark in the disputed domain name constitutes an act of cybersquatting or more precisely typosquatting for confusing Internet users and lead them to think that the website to which the disputed domain name resolves belongs to or is endorsed by the Complainant and thereby profit from the reputation and goodwill attached to the Complainant’s trademark QUELLOGIUSTO.

Further, the fact that there is a clear absence of rights or legitimate interests coupled with no explanation for the Respondent’s choice of the disputed domain name are indicative of bad faith (as stated in section 3.2.1 of the [WIPO Overview 3.0](#))

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: relating to a fake cloned third-party website offering the same goods as the Complainant, phishing, or other types of fraud 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 <quellogiustos.com> be transferred to the Complainant.

*/Miguel B. O'Farrell/*

**Miguel B. O'Farrell**

Sole Panelist

Date: June 5, 2025