

ADMINISTRATIVE PANEL DECISION

AV Holding S.r.l. v. HYUNWOO YOO

Case No. D2025-1790

1. The Parties

The Complainant is AV Holding S.r.l., Italy, represented by Turini Group, Italy.

The Respondent is HYUNWOO YOO, Republic of Korea.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 5, 2025. On May 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 6, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (REDACTED FOR PRIVACY (DT), Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 7, 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 amended Complaint on May 9, 2025.

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 May 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 5, 2025.

The Center appointed Nicholas Smith as the sole panelist in this matter on June 11, 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 an Italian commercial network providing a variety of foodstuffs but specializing in stuffed schiacciate (a type of sandwich). The Complainant operates numerous shops in Italy and around the world and promotes its goods and services through its websites at “www.allanticovinaio.com” which it has used since 2014.

The Complainant has held a trademark registration for the words ALL’ANTICO VINAIO (the “ALL’ANTICO VINAIO Mark”) in various jurisdictions since 2020, including United States of America trademark registration number 6,088,251 registered on June 30, 2020, for food products and related food and beverage services.

The Domain Name was registered on January 9, 2024. The evidence in Annex 2 of the Complaint indicates that the Domain Name resolved to a website offering pay-per-click advertisements unrelated to any dictionary meaning of the Domain Name. The Domain Name now resolves to a website maintained by the Registrar indicating that the Domain Name is for sale for a sum greater than any likely out-of-pocket costs incurred in the registration of the Domain Name.

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 Domain Name.

Notably, the Complainant contends that:

- a) It is the owner of the ALL’ANTICO VINAIO Mark, having registered the ALL’ANTICO VINAIO Mark in various jurisdictions. The Domain Name is confusingly similar to the ALL’ANTICO VINAIO Mark as the ALL’ANTICO VINAIO Mark mark is recognizable within the Domain Name, as the Domain Name merely removes the “all” element and retains the dominant portion of the mark.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the ALL’ANTICO VINAIO Mark. The Respondent is not commonly known by the ALL’ANTICO VINAIO Mark, nor does it use the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Instead, the Domain Name is inactive and being passively held by the Respondent.
- c) The Domain Name was registered and is being used in bad faith. Given the reputation of the ALL’ANTICO VINAIO Mark and the nature of the Domain Name, which includes the dominant portion of the ALL’ANTICO VINAIO Mark, the Respondent must have been aware of the Complainant’s mark at the time of registration. In such circumstances, the Respondent’s passive holding of the Domain Name amounts to use of the Domain Name in bad faith.

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel finds 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 Panel finds the mark is recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. In the present case the Respondent has simply removed the "all" element in the Complainant's mark but the Domain Name is clearly recognizable as the dominant element of the ALL'ANTICO VINAIO Mark is wholly reproduced in the Domain Name.

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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- Before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- The Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- The Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.

- The record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

The use of the Domain Name prior to the commencement of the proceeding for a parking page with pay-per-click links unrelated to a dictionary meaning of the Domain Name is not a bona fide offering of goods or services nor legitimate noncommercial or fair use.

The Panel notes the statements in the [WIPO Overview 3.0](#) on the question of whether “parked” pages comprising pay-per-click links support the respondent’s rights or legitimate interests. Section 2.9 of the [WIPO Overview 3.0](#) notes that:

“Applying UDRP paragraph 4(c), panels have found that the use of a domain name to host a parked page comprising PPC [pay-per-click] links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users. [...] Panels have recognized that the use of a domain name to host a page comprising PPC links would be permissible – and therefore consistent with respondent rights or legitimate interests under the UDRP – where the domain name consists of an actual dictionary word(s) or phrase and is used to host PPC links genuinely related to the dictionary meaning of the word(s) or phrase comprising the domain name, and not to trade off the complainant’s (or its competitor’s) trademark.”

In the present case, the Respondent’s use of the confusingly similar Domain Name to host a parking page with pay-per-click links unconnected to any dictionary meaning of the Domain Name, absent any further explanation, do not provide the Respondent with rights or legitimate interests in the Domain Name. Equally, the holding of a Domain Name and offering to sell the Domain Name for a sum greater than the likely out-of-pocket costs does not, in the absence of other evidence, amount to use for a bona fide offering of goods or services or otherwise provide the Respondent with rights or legitimate interests in the Domain Name.

Based on the available record, 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.

The Panel considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or location or of a product or service on the Respondent’s website or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4 and hence the Respondent’s registration and use of the Domain Name constitutes bad faith under the Policy.

The Domain Name, which incorporates the dominant portion of the ALL’ANTICO VINAIO Mark, has resolved to a page offering pay-per-click links for which the Respondent most likely receives some commercial gain. In these circumstances where the Respondent has offered no plausible explanation for the registration of the Domain Name, the Panel finds that the Respondent was most likely aware of the Complainant at the time of registration and is using the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the ALL’ANTICO VINAIO Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website.

In addition, the subsequent use of the Domain Name to resolve to a website where the Respondent offers the Domain Name for sale, more likely than not, greater than the out-of-pocket costs related to the registration of the Domain Name is sufficient to establish, in the absence of any explanation or any obvious reason why an entity would register a domain name corresponding to the dominant portion of the

ALL'ANTICO VINAIO Mark, the requirements of Paragraph 4(b)(i) of the Policy, namely that that the Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to another person, for valuable consideration in excess of its documented out-of-pocket costs directly related to the Domain Name.

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 Domain Name <anticovinaio.com> be transferred to the Complainant.

/Nicholas Smith/

Nicholas Smith

Sole Panelist

Date: June 13, 2025