

## **ADMINISTRATIVE PANEL DECISION**

Calzificio Pinelli S.r.l. v. Techy Sparks

Case No. D2025-1792

### **1. The Parties**

The Complainant is Calzificio Pinelli S.r.l., Italy, represented by Dr. Modiano & Associati S.p.A., Italy.

The Respondent is Techy Sparks, Singapore.

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

The disputed domain name <solidea.fun> is registered with NameCheap, 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 disputed domain name. On May 6, 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 (Privacy service provided by Witheld for privacy ehf) 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.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on June 5, 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 company with a 46year history as hosiery manufacturers, specializes in the production of graduated compression stockings, tights and kneehighs under the SOLIDEA brand.

The Complainant exports to 70 countries through its consolidated network of distributors, importers and partners, numbering 100 agents in Italy and abroad, 60 salespeople and consultants, and 20 distributors and importers. The Complainant's products are available in more than 15,000 retail stores in Europe. The Complainant produces 7,500,000 pieces per year.

The Complainant notably holds the following word trademarks consisting of the term SOLIDEA:

- Italian trademark n° 0000595342 registered on April 15, 1993, in class 25;
- International trademark n° 599504 registered on April 15, 1993, in class 25, whose scope of protection notably includes Singapore where the Respondent is located;
- European Union Trade Mark n° 001862275 registered on August 11, 2005 in class 25.

The Complainant further owns numerous domain names consisting of the term SOLIDEA, such as, for instance: <solida.com>, <solidea.cl>, <solidea.ca>, <solidea.be>, <solidea.by> as well as numerous country code Top-Level Domain extensions.

On December 3, 2024, the Respondent registered the disputed domain name. The disputed domain name does not lead to any active website other than a parking page with Pay-Per-Click ("PPC") links arguably leading to some of the Complainant's competitors.

#### **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 is identical to its SOLIDEA trademark as it entirely incorporates such trademark.

The Complainant further argues that the Respondent has no rights or legitimate interests in the disputed domain name. It has never authorized the Respondent to exploit its SOLIDEA trademark. The Respondent is not known under that name and does not own any trademark consisting of the word SOLIDEA.

Finally, the Complainant affirms that the disputed domain name was registered and is being used in bad faith. Taking into account the strong reputation enjoyed by the Complainant's trademark, the Respondent was obviously aware of such trademark when it registered the disputed domain name. Actual or constructive knowledge of the Complainant's trademark at the time of registration of the disputed domain name clearly supports a finding of bad faith.

##### **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 and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Pursuant to paragraph 4(a) of the Policy, 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 disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or a service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) 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.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark 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 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 notes that the Respondent has chosen to register a disputed domain name identical to the Complainant's trademark. The Respondent, based in Singapore, does not provide any explanation as to why it would have chosen such a domain name. Taking into account the significant volume of activities carried out by the Complainant in Asia, there is no doubt in the Panel's view that the Respondent was aware of the SOLIDEA trademark when it decided to register the disputed domain name ([WIPO Overview 3.0](#), section 3.2.1).

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.

Panels have found that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name (nor would such links ipso facto vest the respondent with rights or legitimate interests); neither the fact that such links are generated by a third party such as a registrar or auction platform (or their affiliate), nor the fact that the respondent itself may not have directly profited, would by itself prevent a finding of bad faith ([WIPO Overview 3.0](#), section 3.5).

In the present case, the disputed domain name consists of the Complainant's trademark and leads to a parking page website with PPC links that contains some of the Complainant's competitors. In the absence of any explanation from the Respondent, the Panel considers such a use to amount to a use in bad faith in line with paragraph 4(b)(iv) of 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 <solidea.fun> be transferred to the Complainant.

*/Philippe Gilliéron/*

**Philippe Gilliéron**

Sole Panelist

Date: June 19, 2025