

## **ADMINISTRATIVE PANEL DECISION**

Bulgari S.p.A. v. Nicholas Akins, TWS  
Case No. D2025-2221

### **1. The Parties**

Complainant is Bulgari S.p.A., Italy, represented by SafeNames Ltd., United Kingdom.

Respondent is Nicholas Akins, TWS, United States of America.

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

The disputed domain names <bvlgaricavecay.com> and <bvlgariexuma.com> are registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 6, 2025. On June 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 6, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domains By Proxy, LLC DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to Complainant on June 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 11, 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 Respondent of the Complaint, and the proceedings commenced on June 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 3, 2025.

The Center appointed Gabriel F. Leonardos as the sole panelist in this matter on July 8, 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

Complainant is an Italian company that operates in the luxury goods market, famous for its high-end jewelry, including watches, rings and necklaces. Founded in 1884 by Sotirios Voulgaris, Complainant's name derives from the Voulgaris surname. The company's success is seen by its international appeal to movie stars and socialites, as Complainant's jewels are staples in events such as the Oscars and movie premieres. Also, Complainant is active in the hotel business, operating numerous hotels since 2001 in locations such as Milan, London, Dubai, Shanghai, Paris, Tokyo and Rome.

Accordingly, Complainant is the owner of several registrations for the trademark BVLGARI and BULGARI in and also owns domain names incorporating the BULGARI trademark such as <bulgari.com>.

Some examples of Complainant's trademarks registrations for BVLGARI can be found below:

Registration	Trademark	Jurisdictions	International Class	Registration Date
494237	BVLGARI	International	3, 8, 11, 14, 16, 18, 20, 21, 25, 34	July 5, 1985
007138101	BVLGARI	European Union	35, 36, 41, 43	June 3, 2009
0000984147	BVLGARI	Italy	25, 34, 38, 41	November 18, 2005
TMA312178	BVLGARI	Canada	14, 21, 26	March 14, 1986

The disputed domain names <bvlgaricavecay.com> and <bvlgariexuma.com> were both registered on February 8, 2025, and redirect Internet users to the webpage "www.afternic.com" where the disputed domain names are offered for sale.

#### 5. Parties' Contentions

##### A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, Complainant contends that the entirety of the BVLGARI trademark is being reproduced in both disputed domain names. According to Complainant, the addition of the geographical terms of Bahamas-based locations "Cave cay" and "Exuma" do not prevent the possibility of confusion with its prior rights to the BVLGARI trademark.

Therefore, according to Complainant, the disputed domain names are confusingly similar with Complainant's trademark BVLGARI and owned domain names, fulfilling paragraph 4(a)(i) of the Policy and paragraphs 3(b)(viii) and (b)(ix)(1) of the Rules.

Complainant states that Respondent lacks any rights or legitimate interests in the disputed domain names. This is supported by the fact that there is no current or past relationship between the Parties. Also, Complainant states that it has neither authorized, nor somehow given its consent to Respondent to register or use the disputed domain names in any way.

Complainant affirms that Respondent is not making a legitimate noncommercial or fair use of the disputed domain names as they redirect Internet users to a website where the disputed domain names are offered for sale. Thus, Complainant argues that Respondent is taking an unfair commercial advantage through the use of the BVLGARI trademark and intends to generate undue profit from such use.

In this manner, Complainant states that no legitimate use of the disputed domain names could be reasonably claimed by Respondent, fulfilling paragraph 4(a)(ii) of the Policy and paragraph 3(b)(ix)(2) of the Rules.

Complainant argues that Respondent registered the disputed domain names in bad faith, with the primary intention of taking advantage of Complainant's goodwill and reputation, aiming to later offer the disputed domain names for sale.

Furthermore, Complainant highlights that the timing of the registration of the disputed domain names must be considered, since the registration followed the announcement of the Cave Cay Bvlgari Resort in Exuma, Bahamas. Therefore, Complainant asserts that Respondent use of the disputed domain names shows the intention of capitalizing on the registration of the disputed domain names in opportunistic bad faith.

Thus, according to Complainant, the requirements for the identification of a bad faith registration and use of the disputed domain name have been fulfilled, pursuant to paragraphs 4(a)(iii) and 4(b) of the Policy and paragraph 3(b)(ix)(3).

Accordingly, requests the disputed domain names be transferred to Complainant.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

To succeed in a UDRP complaint, Complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as following:

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

The burden of proving these elements is upon Complainant.

Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the complaint, in the absence of exceptional circumstances, the Panel's decision shall be based upon the complaint.

### **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 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.

Based on the available record, the Panel finds 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 trademark BVLGARI is being reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the geographical terms "cavecay" and "exuma" in the disputed domain names may bear on assessment of the second and third elements, the Panel finds that such addition does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Therefore, based on the available record, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on 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 respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Based on the available record, Respondent is not entitled to any trademark, trade name, or any other right associated with the disputed domain names. Additionally, Respondent has not been authorized by Complainant to use the BVLGARI trademark, and there is no commercial relationship between the Parties. Based on the available record, Respondent is not commonly known by the disputed domain names. In light of these circumstances, the Panel finds that no rights or legitimate interests can be found on behalf of Respondent.

Accordingly, 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 Respondent has registered the disputed domain names that are confusingly similar to Complainant’s trademark BVLGARI, as explained above in 6.A. Also, based on the available record, it is established that Respondent has no affiliation with Complainant and the trademark BVLGARI, nor has it sought authorization or a license to utilize the referred trademark. Also, Respondent does not own any trademarks containing the term BVLGARI or showed any rights over the trademark or any relating terms, as explained in 6B.

Furthermore, considering Complainant’s significant worldwide reputation appearing as one of the biggest luxury companies in the world, Respondent evidently knew or should have known of the existence of Complainant’s prior trademark rights and domain names, which were matters of public record, before registering the disputed domain names. Other than this, considering Respondent’s documented use of the BVLGARI trademark, including the timing of the registration, following the announcement of the Complainant’s resort in the Bahamas, Respondent must have had knowledge of Complainant’s pre-existing rights to the BVLGARI trademark.

The registration of the disputed domain names was carried out by Respondent, who had the responsibility to verify the existence of the referred trademarks. The Panel notes that Respondent indeed appears to want to take advantage of recent announcements and of Complainant’s trademark’s reputation to generate undue

profit, especially considering the registration of the disputed domain names in the same month as the new enterprise was announced.

Noting the timing of the registration and the use of the disputed domain names, the Panel finds that the Respondent registered the disputed domain names in bad faith with the primary purpose of selling it to the Complainant. [WIPO Overview 3.0](#), section 3.1.1. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. See WIPO Case No. [D2024-2445](#), *Dragonsteel, LLC v. web master, Expired domain caught by auction winner*. \*\*\**Maybe for sale on Dynadot Marketplace*\*\*\*.

Therefore, the Panel finds that the circumstances of the present case allow for a finding of bad faith in the registration and use of the disputed domain names, considering that (i) Respondent apparently hoped to profit off the opportunistic sale of the disputed domain names referencing the locations of the new Cave Cay Bvlgari Resort in Exuma, Bahamas; and, (ii) Respondent was most likely aware of Complainant's rights on the trademark BVLGARI, considering the timing of registration of the disputed domain names.

Lastly, the Panel finds it is relevant that Respondent has not provided any evidence of good faith registration or use or otherwise participated in this proceeding.

Based on the available record, the Panel finds that 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 names <bvlgaricavecay.com> and <bvlgariexuma.com> be transferred to Complainant.

/Gabriel F. Leonardos/

**Gabriel F. Leonardos**

Sole Panelist

Date: July 22, 2025