

## **ADMINISTRATIVE PANEL DECISION**

Valentino S.p.A. v. SYED HAMZA ALI SHAH  
Case No. D2025-2275

### **1. The Parties**

The Complainant is Valentino S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is SYED HAMZA ALI SHAH, Pakistan.

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

The disputed domain name <valentinoscents.com> is 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 11, 2025. On June 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 13, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 17, 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 June 18, 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 June 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 22, 2025.

The Center appointed Áron László as the sole panelist in this matter on July 25, 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 founded in 1960, which is a major player in the fashion industry. It offers a wide range of luxury products, including an extensive collection of accessories such as bags, shoes, small leather goods, belts, eyewear, silk items and perfumes.

The Complainant is the owner of several registered trademarks, amongst which:

- VALENTINO (word) International Registration No. 570593, registered on April 24, 1991, designating inter alia China, Russian Federation, and Ukraine;
- VALENTINO (word) International Registration No. 764790, registered on November 20, 2000, designating inter alia China, Switzerland and Australia;
- VALENTINO (word) European Union trademark No. 001990407, registered on September 18, 2008;
- VALENTINO (word) United Kingdom trademark No. UK00901990407 registered on September 18, 2008.

The Complainant operates its main website at the domain name <valentino.com>, which was registered on July 21, 1998.

The disputed domain name was registered on by the Respondent on May 1, 2025.

The disputed domain name relates to a website selling perfumes and bags bearing the VALENTINO trademarks and logos registered by the Complainant. The website's contact address and phone number are both in the United States of America ("United States"). It displays VALENTINO trademarks and logos, as well as an embedded YouTube video originally published on the Complainant's channel.

The Respondent is a private person, apparently residing in the United Kingdom or Pakistan. The Registrar confirmed that the Respondent's address is apparently in the United Kingdom; however, the country code (PK) relates to Pakistan.

Finally, the Complainant's representative has sent several cease and desist letters to the Respondent. They have all remained unanswered.

#### **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 confusingly similar to the registered VALENTINO trademark, in which the Complainant has rights. The disputed domain name incorporates Complainant's entire VALENTINO trademark, with the mere addition of the descriptive term "scents", referring to the perfumes sold under the VALENTINO brand. It is a well-established principle that domain names which wholly incorporate trademarks are considered confusingly similar under the Policy, even if they contain other terms, including descriptive or meaningless ones. It should be noted that the addition of a descriptive term to the VALENTINO trademark is not, in itself, a distinguishing feature. However, it could increase confusion, as users may believe that the domain name is owned and used by the Complainant, or at least by an affiliated entity or authorised reseller, in connection with a website offering genuine VALENTINO perfumes for sale.

Regarding the second element, the Respondent is not a licensee or authorised agent of the Complainant, nor is the Respondent otherwise authorised to use the Complainant's trademarks. Specifically, the Respondent is not an authorised reseller of the Complainant and has not been authorised to register and use the disputed domain name. The Respondent is not commonly known by a name corresponding to the disputed domain name, either as an individual, a business or another organisation. The Respondent has not provided the Complainant with any evidence of their use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services prior to receiving notice of the dispute. Furthermore, there is no evidence that the Respondent might have used the disputed domain name for legitimate noncommercial purposes or fair use, without the intention of misleadingly diverting consumers or tarnishing the Complainant's trademark for commercial gain.

The Respondent has used the disputed domain name to redirect users to a website featuring the Complainant's trademarks and publishes images and a video taken from the Complainant's advertising campaigns. It also offers purported VALENTINO products for sale at discounted prices without providing any disclaimer as to the Respondent's lack of relationship with the Complainant. Furthermore, the Respondent has been using the disputed domain name to advertise and offer for sale products that appear to be counterfeit VALENTINO goods, given the very low prices at which they are offered. The lack of accurate and complete information about the entity operating the website (the Respondent provided only a US address and a non-functioning email address, without indicating the name of the website administrator) also supports the conclusion that the Respondent may indeed have engaged in the sale of counterfeit goods, wilfully omitting their full and true contact details. This cannot qualify as bona fide offering of goods. The use does not comply with the Oki Data criteria (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

Regarding the third element, given the extensive use of the VALENTINO trademark since the 1960s, not to mention the substantial advertising and sales of the Complainant's products worldwide (including online via the Complainant's website at the domain name <valentino.com>), the Respondent could not possibly have ignored the existence of the VALENTINO trademark when registering the disputed domain name, which is confusingly similar to it. The well-known character of the trademark VALENTINO has been recognized also in prior UDRP decisions.

The use of the disputed domain name in connection with the commercial website described above, which displays the Complainant's trademarks and offers prima facie counterfeit VALENTINO-branded products for sale, clearly indicates that the Respondent's purpose in registering the disputed domain name was to capitalise on the Complainant's trademark reputation. This is done by intentionally attempting to attract Internet users seeking the Complainant's branded products to the Respondent's own website for commercial gain. This creates a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation or endorsement of the Respondent's website and the goods offered and promoted through it, according to paragraph 4(b)(iv) of the Policy.

As further evidence of the Respondent's bad faith, the Respondent did not reply to the Complainant's cease-and-desist letter or respond to their requests for contact. Previous UDRP panels have ruled that failing to respond to a cease-and-desist letter can constitute 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 based on the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Paragraph 4(a) of the Policy requires that a complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

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

In view of the Respondent's failure to submit a Response, the Panel shall decide this administrative proceeding based on the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a), and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules.

The Panel may accept all reasonable allegations set forth in a complaint. However, the Panel may deny relief where a complaint wholly contains mere conclusory or unsubstantiated arguments. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

#### **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the VALENTINO 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.

Although the addition of other terms here, "scents" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the 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 illegal activity, here, claimed sale of counterfeit goods 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.

In the present case, the Panel notes that the Respondent has engaged in the sale of apparently counterfeit goods under the disputed domain name.

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.

Given the extensive use of the Complainant's trademark and its undeniable reputation, the Respondent must have been aware of the trademark when the disputed domain name was registered.

Panels have held that the use of a domain name for illegal activity, here, claimed sale of counterfeit goods constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The Complainant has demonstrated that the goods offered for sale on the website associated with the disputed domain name cannot be genuine, given that the prices are significantly lower than those of the Complainant's authentic products.

This shall be considered bad faith under paragraph 4(b)(iv) of the Policy, since the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site. There is also no disclaimer on the website explaining the relationship between the Respondent and the Complainant.

The Panel believes that the Respondent's intention might have been to conceal its identity, given the confusion surrounding its address, which is apparently in the United Kingdom but is said to be in Pakistan, while the contact details provided on the website point to the United States. Cease-and-desist letters sent by the Complainant to these addresses remained unanswered, which also indicates that the Respondent was not acting in good faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <valentinoscents.com> be transferred to the Complainant.

*/Áron László/*

**Áron László**

Sole Panelist

Date: August 5, 2025