ADMINISTRATIVE PANEL DECISION

AV Holding S.r.l. v. Ovunc bektas celik
Case No. D2025-2697

1. The Parties

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

The Respondent is Ovunc bektas celik, Türkiye.

2. The Domain Names and Registrar

The disputed domain names <allanticovinaiofirenzetr.com> and <allanticovinaiotr.com> are registered with Çizgi Telekomunikasyon A.Ş. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 11, 2025. On July 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 17, 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 sent an email communication to the Complainant on July 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 July 17, 2025.

On July 17, 2025, the Center informed the parties in Turkish and English, that the language of the registration agreement for the disputed domain names is Turkish. On July 17, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comments on the Complainant’s submission.

The Center verified that the Complaint together with the amendment to 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 July 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2025. The Respondent did not submit any formal response.

However, the Respondent sent several email communications to the Center on July 17, 2025, July 18, 2025, July 20, 2025, July 28, 2025, August 8, 2025, August 11, 2025, and August 18, 2025. The Center notified the Commencement of Panel Appointment Process on August 15, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on August 20, 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.

On August 27, 2025, the Respondent sent two more email communications to the Center.

4. Factual Background

The Complainant is a worldwide commercial network specializing mainly in stuffed schiacciate (a type of flatbread), with numerous shops opened in various cities in Italy and other countries of the world.

The Complainant owns various trademark registrations for ALL'ANTICO VINAIO. Among others, the Complainant is the owner of the European Union trademark registration No. 017988568, registered on September 24, 2019, for ALL'ANTICO VINAIO, covering protection for goods and services as protected in classes 29, 30, 32, 33, 35, and 43. The Complainant further owns the International Trademark Registration No. 1729894, registered on January 10, 2023, for ALL'ANTICO VINAIO, covering also protection inter alia for food related goods and services.

The Complainant further operates its main website at <allanticovinaio.com> since 2014.

The Respondent is an individual located in Türkiye.

The disputed domain name <allanticovinaiofirenzetr.com> was registered on January 4, 2025.
The disputed domain name <allanticovinaiotr.com> was registered on December 16, 2024.

Both disputed domain names resolve to landing pages in Turkish language indicating that the websites are "under construction".

Prior to the Complaint, the Complainant sent a cease-and-desist letter to the Respondent on March 3, 2025. In return, the Respondent asked for entering a partnership with the Complainant in the Turkish market. When this was rejected by the Complainant, discussion began about the transfer of the disputed domain names to the Complainant, during which the Respondent asked for a payment of around EUR 250.000 or even more. This was rejected by the Complainant as well.

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 names.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. In his various email communications to the Center, the Respondent however argued that he had no ill intentions and registered the disputed domain names primarily for the purpose of establishing a partnership with the Complainant in the Turkish market.

In his various email communications to the Center, the Respondent repeatedly indicated its willingness to transfer the disputed domain names to the Complainant against a payment that should consider the size and value of the respective Turkish market. Based on own unsupported calculations by the Respondent and the provision of only selected parts of documents concerning the costs for registration and maintenance of the disputed domain names, the Respondent contends that a payment of around EUR 250.000 or above is reasonable for the transfer of both disputed domain names.

In his email communications to the Center on August 27, 2025, the Respondent mainly accused the Complainant of acting in bad faith, arguing that it was the Complainant who initially asked for a transfer of the disputed domain name against a settlement payment. The Respondent, however, considered the Complainant's offer far too low in light of the market value he attributes to the disputed domain names.

6. Discussion and Findings

6.1. Language of the Proceeding

The language of the Registration Agreement for the disputed domain names is Turkish. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that all prior communications between the Parties were conducted in English, the Complainant has no knowledge of Turkish, and that requested translation would be time and costs intensive.

The Respondent did not make any specific submissions with respect to the language of the proceeding, even though communicated by the Center in Turkish and English. Moreover, almost all emails from the Respondent were written in Turkish and English language, indicating that the Respondent is able to read and write in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2. Consideration of Supplemental Filings

The Panel notes that the Center received additional email communications from the Respondent on August 27, 2025, hence almost two weeks after the due date for a response.

The Panel follows the reasoning of the panel in *Viz Communications, Inc. v. Redsun dba www.animerica.com and David Penava*, WIPO Case No. D2000-0905, that it is appropriate to consider the circumstances of each case before deciding whether or not to admit additional or late-filed submissions.

In this case, the email communications by the Respondent of August 27, 2025, contain nothing that would have relevant impact on the Panel's final decision. Hence, the Panel sees no reason and particularly no disadvantage for the Complainant not to take the Respondent's short emails into account.

6.3. Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

(i) the disputed domain names are identical or confusingly similar to a trademark in which the Complainant has rights;
(ii) the 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.

For the evaluation of this case, the Panel has taken note of the WIPO Overview 3.0, and, where appropriate, will decide consistently with the consensus views stated therein.

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 the ALL'ANTICO VINAIO trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

Except for the apostrophe, the entirety of the ALL'ANTICO VINAIO mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the ALL'ANTICO VINAIO mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

Although the addition of other terms, here "firenze" and/or "tr", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the ALL'ANTICO VINAIO 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 names. The Complainant has particularly denied any interest in a business partnership with the Respondent, and there is no evidence before the Panel to suggest that the Respondent has ever been authorized, licensed, or otherwise permitted by the Complainant to register or use the disputed domain names.

The Respondent has not successfully 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 names such as those enumerated in the Policy or otherwise.

Rather, the Respondent's conduct has been limited to using the disputed domain names as a mere bargaining tool in discussions with the Complainant. Such conduct does not confer rights or legitimate interests under the Policy.

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.

In the present case, the Panel notes that the Respondent actually admitted that it had the Complainant and its ALL'ANTICO VINAIO trademark in mind when registering the disputed domain names. Even if the Respondent's allegations were accepted as true, registering the disputed domain names with knowledge of the Complainant's ALL'ANTICO VINAIO trademark and the intention to use the disputed domain names as a mere bargaining tool vis-à-vis the Complainant constitutes bad faith registration under the Policy.

The Respondent's subsequent offer to transfer the disputed domain names to the Complainant for around EUR 250.000 or even more (which is far beyond the documented out-of-pocket expenses submitted by the Respondent for the registration and maintenance of the disputed domain names) additionally constitutes bad faith use, as it demonstrates the Respondent's attempt to target the Complainant and to use the disputed domain names as a bargaining tool to put pressure on the Complainant for illegitimate purposes.

The Panel also notes the Respondent's attempt in its email of August 27, 2025, to portray the Complainant as acting in bad faith merely because it was allegedly approached with a request for transfer of the disputed domain names. This argument by the Respondent is unpersuasive. Rather, the available evidence shows that the Respondent initiated the registration and use of the disputed domain names by incorporating the Complainant's trademark without authorization, and that the Respondent subsequently sought to profit from either a commercial partnership or the transfer of the disputed domain names to a significant amount of money.

The Panel finds that such conduct falls within paragraph 4(b)(i) of the Policy, which recognizes bad faith where a domain name has been registered for the purpose of selling it to the trademark owner for valuable consideration in excess of documented out-of-pocket costs.

All in all, the Panel sees clear evidence of registration and use of the disputed domain names by the Respondent in bad faith within the meaning of the Policy. The passive holding of the disputed domain names does not change the Panel's finding on the bad faith. WIPO Overview 3.0, section 3.3. The Panel is even convinced that this is a typical cybersquatting case, which the UDRP was designed to stop.

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 names <allanticovinaiofirenzetr.com> and <allanticovinaiotr.com> be transferred to the Complainant.

/Kaya Köklü/
Kaya Köklü
Sole Panelist
Date: September 3, 2025