

## **ADMINISTRATIVE PANEL DECISION**

One Click Tiles Srl v. GM Marble  
Case No. D2025-2740

### **1. The Parties**

The Complainant is One Click Tiles Srl, Italy, represented by Studio legale Carantani Bottoli, Italy.

The Respondent is GM Marble, United States of America ("United States").

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

The disputed domain name <onetile.com> is registered with Network Solutions, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 10, 2025. On July 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 11, 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 (PERFECT PRIVACY, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 16, 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 July 21, 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 July 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 15, 2025.

The Center appointed Assen Alexiev as the sole panelist in this matter on August 19, 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 22, 2025, the Panel issued Procedural Order No.1, whereby he invited the Complainant to specify the point in time when it began “continuously and extensively” to use its ONETILE trademark, to specify the point in time when, according to it, the Respondent had acquired the disputed domain name, and to explain why, according to it, the Respondent should be considered as having acquired the disputed domain name in bad faith. With Procedural Order No.1, the Panel also invited the Complainant to submit supporting evidence (if any) to its submission in response to Procedural Order No.1, and provided an opportunity to the Respondent to submit comments and evidence (if any) in response to the Complainant’s submission and evidence. On August 27, 2025, the Complainant filed its submission in response to Procedural Order No.1. The Respondent did not submit any comments on the Complainant’s submission within the time limit provided to it to do so.


#### **4. Factual Background**

The “About Us” section of the Italian version of the Complainant’s official website at the domain name <onetile.it>, registered on August 10, 2017, states: “Founded in 2017, Onetile has quickly established itself as a leading online floor and wall tile distributor, offering a wide range of products from porcelain to parquet.” (English translation of the original Italian text). The Complainant also operates localized versions of its official website at the domain names <onetile.fr>, <onetile.com.au>, and <onetile.us>, which were registered at later points in time.

The Complainant is the owner of several trademark registrations for ONETILE (the “ONETILE trademark”), including the following:

– the European Union trademark ONETILE.IT with registration No. 018807805, registered on April 12, 2023, for goods and services in International Classes 19, 20, 35, 37 and 40, which is the earliest registration of this trademark;

– the European Union trademark  onetile with registration No. 018823917, registered on May 5, 2023, for goods and services in International Classes 19, 20, 27, 35, 37 and 40; and

– the International trademark  onetile with registration No. 1761060, registered on June 12, 2023, for goods and services in International Classes 19, 20, 27, 35, 37 and 40.

The disputed domain name was registered on November 5, 2004. It currently resolves to a parking webpage of the Registrar featuring pay-per-click (“PPC”) links.

#### **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.

The Complainant submits that the disputed domain name is identical to its ONETILE trademark, which is distinctive and not generic in nature. The Complainant notes that the content of the website at the disputed domain name is likely to mislead consumers into believing that it is connected to the Complainant, because the Complainant’s website and the website at the disputed domain name feature the same categories of products like floor tiles, mosaic tiles, parquet, bathroom furnishings, thus reinforcing the likelihood of confusion. The Complainant maintains that the website at the disputed domain name is frequently edited,

and product descriptions and names change almost with every refresh, which contributes to the impression of a misleading and unreliable operation, potentially aiming to mimic the Complainant's legitimate websites or to capitalize on its reputation. According to the Complainant, the strong similarity between the disputed domain name and the Complainant's trademark, combined with the overlap in commercial offering and inconsistent content of the website at the disputed domain name, significantly increase the risk of consumer confusion.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant submits that its ONETILE trademark is registered in multiple jurisdictions and has been continuously and extensively used by it to identify specific products that are sold directly to consumers through official channels, including multiple domain names incorporating the trademark. The Complainant maintains that as a result its trademark enjoys significant recognition and goodwill and deserves protection, even though the Respondent registered the disputed domain name prior to the formal trademark registration. The Complainant submits that, while the disputed domain name was registered by the Respondent before the Complainant acquired its trademark rights, the Respondent's subsequent conduct indicates the absence of any rights or legitimate interests. The Complainant notes that the website at the disputed domain name has remained perpetually "under construction" and shows no consistent or meaningful content. According to the Complainant, the Respondent is not commonly known by the disputed domain name and has made no demonstrable preparations to use it in connection with a bona fide offering of goods or services. The Complainant maintains that the Respondent uses the disputed domain name to redirect users to third-party websites, including those of third-party commercial operators that offer products and services identical or highly similar to those of the Complainant, presumably for affiliate revenue or other commercial gain, by exploiting the notoriety of the Complainant's trademark to divert traffic. The Complainant notes that no identifying information about the Respondent or the entity behind the website at the disputed domain name is publicly available. The Complainant adds that the Respondent operates in the same commercial field as the Complainant and has its own online presence under a different brand identity. The Complainant adds that the Respondent uses the disputed domain name as a vehicle to redirect traffic to external sites that are not owned or directly controlled by it, and in some cases appear to be operated by other third parties - including potential direct competitors of the Complainant. According to the Complainant, the Respondent thus exploits the Complainant's brand recognition for indirect commercial advantage by attracting traffic that would otherwise be directed to the Complainant's legitimate websites.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It notes that the disputed domain name is identical to the Complainant's ONETILE trademark, which is well known in the relevant market, and is being used to take advantage of the Complainant's reputation by attracting users who are presumably looking for the Complainant's official products. The Complainant adds that the website at the disputed domain name does not contain any substantial or informative content and does not offer goods or services directly, but redirects users to third-party websites, likely for the purpose of monetizing web traffic via affiliate links, which represents a bad faith attempt to exploit the disputed domain name for commercial gain by creating confusion with the Complainant's trademark, and the combination of anonymity, inactivity, and deceptive use strongly supports a finding of bad faith. In the Complainant's view, it is evident that the Respondent has retained and used the disputed domain name solely to exploit the Complainant's trademark reputation, mislead consumers, and disrupt the Complainant's legitimate business.

The Complainant notes that the Respondent operates in the same industry as the Complainant and does not use the disputed domain name to present or promote its own business, but to divert traffic to other unrelated and unverified commercial websites, none of which visibly belong to the Respondent itself. The Complainant maintains that its behavior illustrates an intention to exploit the visibility and the search engine optimization of the ONETILE trademark to redirect users to other platforms, thereby disrupting the Complainant's business and consumer acquisition process.

The Complainant adds that it is unclear when the Respondent acquired control of the disputed domain name, but its overall conduct and current use of the disputed domain name to redirect users to unrelated commercial websites operated by third parties, including competitors of the Complainant, demonstrates opportunistic behavior and commercial exploitation, incompatible with a good faith intent, and constitutes bad

faith use within the meaning of the Policy. The Complainant states that, although the Whois records indicate that the disputed domain name was originally registered prior to the Complainant's trademark filings, it is not possible to establish with certainty when the current Respondent acquired the disputed domain name, or whether it has always remained under the same ownership or control. Publicly available records show signs of changes over the years, potentially involving different registrants or variations in the way the disputed domain name was operated or used. In particular, historical snapshots from the Wayback Machine show that in 2004 and 2005 the disputed domain name redirected to a generic parking webpage, suggesting no active or bona fide commercial use at the time. While the disputed domain name was later archived multiple times between 2014 and 2025, many of those records are incomplete or not viewable. As such, the Complainant has been unable to reliably reconstruct the disputed domain name activity during those years.

According to the Complainant, the combination of incomplete historical records, irregular use patterns, redirection to competitors, and the absence of any transparent or verifiable commercial identity supports a finding that the disputed domain name has been held and used in bad faith.

With its submission in response to Procedural Order No.1, the Complainant makes the statements summarized below.

It submits that it has continuously and extensively used the ONETILE trademark and its website since at least 2016 - 2017. Since then, the Complainant states, it has operated under the ONETILE name not only in Italy but also internationally, expanding its presence through the domain names <onetile.fr>, <onetile.us>, and <onetile.com.au>.

The Complainant maintains that its ONETILE trademark has acquired substantial goodwill and recognition in the tile and flooring sector, both in Italy and abroad, as a result of over a decade of uninterrupted commercial use. According to the Complainant, the ONETILE trademark and its business name are clearly recognizable and attributable to it, as evidenced by Google search results and customer reviews, as well as by the prestigious collaborations undertaken by the Complainant.

The Complainant further states that its reputation and commercial identity under the ONETILE trademark predate any use in bad faith of the disputed domain name by the Respondent. It submits that the Wayback Machine archive indicates that the website at the disputed domain name underwent significant alterations, and also a transfer of ownership, which has been anonymized, precisely coinciding with the period in which the Complainant and the ONETILE trademark expanded their commercialization and were duly registered in 2016 – 2017. According to the Complainant, the Respondent was fully aware of the Complainant's longstanding business operations, which is evident from the timing of changes in activity on the Respondent's website, which coincided with the promotion by the Complainant of its own website and social media on a broader scale.

The Complainant states that there is no evidence that the Respondent has made any bona fide use of the disputed domain name in connection with its own business prior to the Complainant's emergence under the ONETILE trademark. According to it, the disputed domain name remained parked for years, only later being exploited in bad faith to capitalize on the established reputation of the ONETILE trademark. When the Complainant began using the ONETILE trademark extensively and achieved market recognition, the Respondent started to exploit the disputed domain name, redirecting traffic to third-party websites, including the Complainant's direct competitors. According to the Complainant, the passive holding, redirection to competitors, and exploitation of its later-acquired reputation constitute bad faith use when no plausible good faith purpose exists.

## **B. Respondent**

The Respondent did not submit a Response to the Complaint or any comments on the Complainant's submission in response to Procedural Order No.1.

## 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 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 the ONETILE trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ONETILE trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the ONETILE trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

As noted in section 4 above, the earliest registration of the ONETILE trademark was made on April 12, 2023, in the European Union. This is 19 years after the registration of the disputed domain name in 2004, but this fact does not by itself preclude the Complainant's standing to file a UDRP case, nor a panel's finding of identity or confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.1.3.

The Complainant also claims having carried out continuous business activities under the brand ONETILE and through the website at the domain name <onetile.it> since 2016 - 2017. Although the Complainant's registered trademark rights are sufficient to establish this element, the Panel will also examine the Complainant's claimed unregistered trademark rights for completeness. This analysis is also relevant to the Panel's later assessment of whether the disputed domain name was registered in bad faith. To establish unregistered trademark rights in the brand ONETILE for the purposes of the Policy, arising from its business activities, the Complainant has to show that this brand has become a distinctive identifier which consumers associate with its goods or services. Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys. See [WIPO Overview 3.0](#), section 1.3.

The Complainant has however not provided any evidence of the types referred to in section 1.3 of the [WIPO Overview 3.0](#), and has not established that the ONETILE trademark had become a distinctive identifier which consumers associate with the Complainant's goods or services at any point in time prior to the formal registration of the brand as a trademark in April 2023.

The only evidence submitted by the Complainant about its claimed activities under the ONETILE brand prior to its registration as a trademark consists of the following:

- an Instagram post, dated December 4, 2017, about the Complainant's activities, which post was liked by 28 people (Annexed to the Complainant's submission in response to Procedural Order No.1);
- an undated publication on a third-party website about a collaboration between the third party and the Complainant (Annexed to the Complainant's submission in response to Procedural Order No.1);
- a second Instagram post, dated January 23, 2018, about the Complainant's activities, which post was liked by 22 people (Annexed to the Complainant's submission in response to Procedural Order No.1); and
- an undated publication on the Complainant's website about a collaboration between it and a third party (Annexed to the Complainant's submission in response to Procedural Order No.1).

The above materials do not satisfy the requirements set out in section 1.3 of the [WIPO Overview 3.0](#). They do not demonstrate that the Complainant's ONETILE brand had become a distinctive identifier which consumers associate with its goods or services prior to its formal registration as a trademark on April 12, 2023, and do not support a finding that the Complainant has unregistered trademark rights in ONETILE at

an earlier point in time.

The Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Since the Complainant has failed to establish the third element of the Policy, there is no need to address this element.

## **C. Registered and Used in Bad Faith**

The Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights because the Complainant had no trademark rights at the time that the Respondent registered the disputed domain name. [WIPO Overview 3.0](#), section 3.8.1.

The disputed domain name was registered in 2004. As stated on its own website, the Complainant was established in 2017. It registered its domain name <onetile.it> on August 10, 2017. The Complainant has not provided any evidence that it had carried out any activities prior to the registration of its own domain name, so the Panel finds it justified to assume that the earliest date on which the Complainant started having an online presence was August 10, 2017. As discussed in section 6.1 above, the Complainant has not shown that its ONETILE brand had become a distinctive identifier which consumers associate with its goods or services prior to its formal registration as a trademark on April 12, 2023, and has not established having any unregistered trademark rights in ONETILE at any earlier point in time.

According to the Complainant, the Wayback Machine records for the disputed domain name indicate that in 2016 - 2017 the associated website underwent significant alterations, and also a transfer of ownership, which has been anonymized, and this period coincides with the promotion by the Complainant of its own website and social media on a broader scale. In the Complainant's submission, the timing of these changes in the activity on the Respondent's website show that the Respondent was fully aware of the Complainant's longstanding business operations.

In support of these allegations, the Complainant submits two printouts of the website at the disputed domain name made at the time of filing of the Complaint. These printouts show a parking webpage of the Registrar containing PPC links related to tiles, flooring, carpets and renovation. When the Panel accessed the disputed domain name, a similar parking webpage of the Registrar was displayed, and its language and the PPC links included on it changed every time it was refreshed. (This explains the Complainant's reference to the disputed domain name continuously changing its content). The Complainant also submits a printout of the Wayback Machine records for the disputed domain name, which show that it was archived nine times in 2017 and 2018. However, it has not provided any printout of the actual archived content of the website at any point in time. The Panel made an attempt to view the archived versions of this website for 2017 and 2018, but the respective Wayback Machine records displayed only error messages. In any case, there is nothing extraordinary in the fact that the website has been archived nine times in two years, and this fact does not necessarily mean that the disputed domain name has been transferred to a different owner. It is also important to note in this respect that the Complainant has not submitted any historical Whois records for the disputed domain name.

In view of the above, the Panel finds that there is no evidentiary support for a conclusion that there has been a change of ownership and that the Respondent has acquired the disputed domain name after 2017, when the Complainant started having an online presence. In the absence of any evidence pointing to a different conclusion, the Panel also finds that it is more likely than not that the Respondent has been the registrant of the disputed domain name since 2004, when it was originally registered. Therefore, since the Complainant started in 2017, the Respondent could not have known of the Complainant when it registered the disputed domain name 13 years earlier, and could not have targeted it with the registration of the disputed domain name.

The Complainant requests the Panel to treat the Respondent's default in this case as an admission of the Complainant's allegations in this proceeding. However, as discussed in section 4.3 of the [WIPO Overview 3.0](#), noting the burden of proof on the complainant, a respondent's default (i.e., failure to submit a formal response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. In cases involving wholly unsupported and conclusory allegations advanced by the complainant, or where a good faith defense is apparent, panels may find that – despite a respondent's default – a complainant has failed to prove its case.

Considering the above, the Complainant has failed to establish that the Respondent has registered the disputed domain name in bad faith. Since the Policy contains a cumulative requirement for the Complainant to establish both registration and use in bad faith, the Complainant cannot prevail if it has not established registration of the disputed domain name in bad faith, even if there may arguably be evidence of present use in bad faith.

Therefore, the Panel finds the third element of the Policy has not been established.

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Assen Alexiev/*

**Assen Alexiev**

Sole Panelist

Date: September 7, 2025