

ADMINISTRATIVE PANEL DECISION

eMazzanti Technologies v. collis lola

Case No. D2025-3764

1. The Parties

The Complainant is eMazzanti Technologies, United States of America (“United States”), internally represented.

The Respondent is collis lola, United States.

2. The Domain Name and Registrar

The disputed domain name <emazzaniti.net> (the “Disputed Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 16, 2025. On September 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 19, 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 (John Doe / Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 19, 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 September 19, 2025, and an amended Complaint on September 24, 2025.

The Center verified that the Complaint together with the amendment to the Complaint and 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 September 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 16, 2025.

The Center appointed Lynda M. Braun as the sole panelist in this matter on October 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.

4. Factual Background

The Complainant, a Delaware, United States corporation, is a computer consulting company with headquarters in Hoboken, New Jersey, that provides cybersecurity, cloud, and IT support services. The Complainant provides these services to clients located in many United States cities, as well as in several countries worldwide.

The Complainant owns the following registered trademarks through the United States Patent and Trademark Office ("USPTO"): EMAZZANTI, United States Registration No. 2,933,152, registered on March 15, 2005, with a date of first use in commerce of 2001, in International Class 42; MAZZANTI INC, United States Registration No. 2,956,194, registered on May 24, 2005, with a date of first use of 2001, in International Class 42; and EMAZZANTI CAPITAL, United States Registration No. 3,315,471, registered on October 23, 2007, in International Class 36.

The Complainant owns the domain name <emazzanti.net>, which resolves to its official website at "www.emazzanti.net". The Complainant also claims that it owns numerous other domain names that contain the term "mazzanti", as well as domain names with various misspellings.

On September 16, 2025, the Complainant sent an email communication to the Registrar to request the identity of the registrant of the Disputed Domain Name but received no response.

The Disputed Domain Name was registered on September 15, 2025, and resolves to a parked page of the Registrar.

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 Complainant's trademark;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- the Disputed Domain Name was registered and is being used in bad faith.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in these proceedings:

- (i) the Disputed Domain Name 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 Disputed Domain Name; and
- (iii) the Disputed Domain Name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark.

The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the EMAZZANTI mark, differing only by the misspelling of the EMAZZANTI mark by adding the letter "i" after the letter "n", and then followed by the generic Top-Level Domain ("gTLD") ".net".

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

It is uncontroverted that the Complainant has established rights in the EMAZZANTI mark based on its years of use as well as its registered trademarks for the EMAZZANTI mark in the USPTO. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the [WIPO Overview 3.0](#), "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". The Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the EMAZZANTI mark.

The Disputed Domain Name consists of the EMAZZANTI mark in its entirety, albeit misspelled with the addition of the letter "i" after the letter "n" in the trademark. Such a minor modification to a trademark is commonly referred to as "typosquatting" and seeks to wrongfully take advantage of errors by a user in typing a domain name into a web browser. The misspelling of "emazzanti" to "emazzaniti" does not prevent a finding of confusing similarity of the Disputed Domain Name to the EMAZZANTI mark. See [WIPO Overview 3.0](#), section 1.9: "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element"; see also *Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. [D2008-1302](#); and *Singapore Press Holdings Limited v. Leong Meng Yew*, WIPO Case No. [D2009-1080](#).

Finally, the addition of a gTLD such as ".net" in a domain name is a technical requirement. Thus, it is well established that, as here, such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel finds that the

Disputed Domain Name is confusingly similar to the Complainant's EMAZZANTI mark.

Based on the available record, the Panel finds that 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 a 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 that 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 Complainant's prima facie case includes the fact that the Complainant has not authorized, licensed or otherwise permitted the Respondent to use the EMAZZANTI mark, that there is no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, and that there is no evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c). Moreover, based on the non-use of the Disputed Domain Name which resolves to an inactive Registrar's parked page, the Panel finds that the Respondent is not making a bona fide offering of goods or services nor making a legitimate noncommercial or fair use of the Disputed Domain Name under the circumstances of the case. See *Lego Juris A/S v. Nofel Izz, JID*, WIPO Case No. [D2019-2601](#).

Based on the available record, the Panel finds that 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. The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Name, 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.

Based on the circumstances here, the Panel concludes, on the balance of probabilities, that the Respondent's registration and use of the Disputed Domain Name had been done for the purpose of trading on the name and reputation of the Complainant and its EMAZZANTI mark. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. [D2000-0847](#) ("[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark for commercial gain").

Moreover, since the EMAZZANTI mark was registered and used by the Complainant in advance of the Respondent's registration of the Disputed Domain Name which is itself nearly identical to the Complainant's official domain name <emazzanti.net>, it is nearly implausible that the Respondent created the Disputed Domain Name independently. The Disputed Domain Name was registered over two decades after the Complainant first began using the EMAZZANTI mark. Therefore, the Panel finds it likely that the Respondent had the Complainant's EMAZZANTI mark in mind when registering the Disputed Domain Name, especially since the mark is recognizable despite its misspelling, demonstrating bad faith. In sum, UDRP panels have found that the registration of a disputed domain name that is confusingly similar to a well-known trademark (particularly disputed domain names comprising typos) by an unaffiliated entity can create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

Finally, inactive or passive holding of the Disputed Domain Name by the Respondent does not prevent a finding of bad faith. See *Advance Magazine Publishers Inc. and Les Publications Condé Nast S.A. v. ChinaVogue.com*, WIPO Case No. [D2005-0615](#); and *Société pour l'Oeuvre et la Mémoire d'Antoine de Saint Exupéry – Succession Saint Exupéry – D'Agay v. Perlegos Properties*, WIPO Case No. [D2005-1085](#). It has long been held in UDRP decisions that the passive holding of a disputed domain name that incorporates a well-known or distinctive trademark without a legitimate purpose does not prevent a finding of bad faith under paragraph 4(a)(iii) of the Policy. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); and *Jupiters Limited v. Aaron Hall*, WIPO Case No. [D2000-0574](#). Here, the Disputed Domain Name is held passively and resolves to a parked page of the Registrar. Thus, in the absence of a response, the Panel concludes that the Respondent registered and is using the Disputed Domain Name in bad faith.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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 <emazzaniti.net> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: November 3, 2025