ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Calzedonia S.P.A v. Charles Quiller
Case No. D2025-3782

1. The Parties

The Complainant is Calzedonia S.P.A, Italy, represented by Deriş Patents and Trademark Agency A.Ş., Türkiye.

The Respondent is Charles Quiller, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <calzedoniabikinis.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint in Turkish was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 17, 2025. On September 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 18, 205, 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 (Ivanchenko Fashion LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 23, 2025, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on September 25, 2025.

On September 23, 2025 the Center informed the parties in English and Turkish, that the language of the registration agreement for the disputed domain name is English. On September 25, 2025, the Complainant confirmed its request that Turkish be the language of the proceeding.

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 September 26, 2025. In accordance with the Rules,

paragraph 5, the due date for Response was October 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 24, 2025.

The Center appointed Zeynep Yasaman as the sole panelist in this matter on October 30, 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, CALZEDONIA S.P.A., is an Italian fashion brand founded in 1986 and operates internationally, with over 5,600 stores in 57 countries, in the textile sector, particularly recognized for its bikini, swimwear, leggings, and hosiery products.

The Complainant is the owner of CALZEDONIA trademarks registered in different jurisdictions, including:

- Turkish trademark CALZEDONIA, registration no. 180232, registered on January 9, 1998, in class 25.
- Turkish trademark CALZEDONIA, registration no. 2004 25194, registered on December 30, 2025, in classes 25 and 35.
- Turkish trademark CALZEDONIA, registration no. 2013 09212, registered on March 10, 2014, in class 35.
- Turkish trademark CALZEDONIA, registration no. 2019 75501, registered on December 23, 2020, in classes 3, 25, and 35.
- International trademark CALZEDONIA, registration no.1049847, registered on May 25, 2010, in classes 3, 9, 14, 18, 24, and 28.
- International trademark CALZEDONIA, registration no.1180100, registered on August 5, 2013, in classes 3, 25, and 35.

The Complainant operates through its website "www.calzedonia.com" globally and "www.calzedonia.com.tr" in Türkiye. The Complainant has a strong presence on social media, such as on Facebook, Instagram, X, YouTube, and LinkedIn.

The disputed domain name <calzedoniabikinis.com> was registered on May 29, 2025. The Panel attempted to access the website corresponding to the disputed domain name on the date of the decision but was met with the message: "403 Forbidden – You don't have permission to access the URL on this server." Based on the screenshots submitted by the Complainant, the Panel observes that the website under the disputed domain name, specifically the page "www.calzedoniabikinis.com/tr/", displayed the page title "Calzedonia Outlet Türkiye." The website also featured the expression "CALZEDONIA THE BIKINI EXPERT," and offered various products such as dresses, swimsuits, trousers, and hosiery for sale. The currency used on the website was Turkish Lira (TRY), and the language of the site was Turkish. The Panel further notes that the site included a menu allowing users to select other countries, and that the "About Us" section stated that the domain name <calzedoniabikinis.com> is dedicated to offering luxury products without excessive price tags and takes pride in providing high-quality items. It further notes that luxury and sophisticated products should be accessible to everyone, emphasizing a commitment to delivering premium style at low cost without compromising quality, while maintaining high standards of integrity and excellence.

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 wholly incorporates its CALZEDONIA trademark and merely adds the descriptive term “bikinis,” a word directly related to the Complainant’s core product range. Accordingly, the Complainant argues that the disputed domain name is identical or confusingly similar to its registered and well-known trademark CALZEDONIA.

The Complainant further maintains that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the name “Calzedonia” or “Calzedonia Bikinis,” holds no corresponding trademark or trade name registration, and has not been licensed or otherwise authorized by the Complainant to use the CALZEDONIA mark.

Regarding bad faith, the Complainant contends that the mere registration of a domain name incorporating a well-known trademark by an unrelated party is sufficient to establish a presumption of bad faith. The Complainant submits that the disputed domain name wholly incorporates the term CALZEDONIA, together with the generic word “bikini(s)”, which denotes a product type, thereby increasing the likelihood of confusion and creating the impression of an official connection with the Complainant’s primary domain name “www.calzedonia.com”. The Complainant further asserts that the Respondent has copied the Complainant’s actual commercial presentation and visual identity, including the use of the expression “Calzedonia Outlet Türkiye,” which further reinforces the misleading impression of affiliation. According to the Complainant, this misuse extends to other countries as well, as the website gives the false impression that, depending on the country selected, it represents the official outlet of the Complainant in that jurisdiction. The Complainant argues that such conduct cannot be regarded as a legitimate offering of goods or services, and therefore, it is not possible to accept that the Respondent registered the disputed domain name by coincidence.

In fact, by reproducing the Complainant’s CALZEDONIA mark in the same manner as used by the Complainant and by including at the bottom of the website a small-font notice stating “© Calzedonia 2025,” the Respondent clearly acknowledges awareness of the Complainant and its trademarks, thereby creating the false impression that the disputed domain name is officially operated by the Complainant. The Complainant adds that there is no disclaimer or statement on the website clarifying that the Respondent is not affiliated with the Complainant. On the contrary, the website presents itself as an authorized Calzedonia outlet offering CALZEDONIA-branded products at discounted prices. The Complainant contends that, according to the criteria established in the Oki Data decision, the Respondent’s use of the disputed domain name cannot be regarded as a bona fide offering of goods or services, and that the Respondent’s purpose is to take unfair and unauthorized advantage of the Complainant’s well-known trademark by misleading Internet users and thereby obtaining illicit commercial gain.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is English. 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 Turkish. The Complainant requested that the language of the proceeding be Turkish, citing several reasons, including that the Complainant’s attorney is based in Türkiye , that the disputed domain name features Turkish-language content under the title “Calzedonia Outlet Türkiye - Resmi Lisanslı Online Mağaza”, and that the products are offered for sale in Turkish Lira.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

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).

The Panel is fluent in both Turkish and English. The Panel notes that the Complainant is an Italian company represented by a Turkish law firm capable of communicating in English, and that the Respondent appears to be located in the United States. Although the website displays Turkish-language content and product descriptions, the Panel determines that, given the English language of the Registration Agreement and the Respondent's location in the United States, the proceeding shall be conducted in English, while taking due account of the Turkish-language evidence submitted by the Complainant.

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.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

Where 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 (WIPO Overview 3.0, section 1.2.1). In the present case, the Panel notes that the Complainant owns registered CALZEDONIA trademarks. Accordingly, the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy.

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 Panel notes that the entirety of the Complainant's CALZEDONIA trademark is reproduced within the disputed domain name.

It is well established by panels applying the Policy that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. Similarly, the applicable gTLD in a domain name (e.g., ".com") is viewed as a standard registration requirement and as such, is disregarded under the first element confusing similarity test (*H & M Hennes & Mauritz AB v. Donnie Lewis,* WIPO Case No. D2017-0580). In that regard, the Panel considers that while the addition of the term "bikinis" may bear on the assessment of the second and third elements, the addition of such a 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). Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy.

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. These are as follows:

(i) before any notice of the dispute, the respondent's use of, or demonstrable preparations to use, the

domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
(ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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 that 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 Panel notes that there is no evidence indicating that the Respondent is commonly known by the disputed domain name. Moreover, the Complainant has established that the Respondent is neither affiliated with the Complainant nor authorized or licensed to use the CALZEDONIA trademark or register the disputed domain name. Where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such a composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (WIPO Overview 3.0, section 2.5.1). Moreover, UDRP panels do not consider bona fide offering of goods or services or a fair use if a respondent is hosting a website to provide products in direct competition with the Complainant (see WIPO Case No. D2018-2403, *Xiaomi, Inc. v. Eddie Zheng, Rc Technology Ltd; David Riverol, Rc Technology Ltd)*.

In this regard, the Panel considers that the composition of the disputed domain name, which entirely incorporates the Complainant's CALZEDONIA trademark together with the term "bikinis" -one of the product categories offered under the Complainant's mark- combined with the fact that textile products are offered for sale on the associated website, creates the impression of an affiliation with the Complainant. As a result, such use cannot constitute fair use or bona fide offering.

Where a respondent is re-selling a complainant's products or providing services relating to them, then the applicable criteria for determining whether a respondent can assert a right or legitimate interest in a domain name that incorporates the complainant's trademark are set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903. As outlined in the "Oki Data test", the following cumulative requirements will be applied in the specific conditions of a UDRP case: (i) the respondent must actually be offering the goods or services at issue; (ii) the respondent must use the site to sell only the trademarked goods or services; (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

In the present case, although the Panel was unable to determine whether original branded products of the Complainant were actually being offered for sale on the website under the disputed domain name, even if that were the case, the website contains no disclosure clarifying the nature of the relationship between the trademark owner (the Complainant) and the domain name holder (the Respondent). In this regard, in the Panel's view, such use does not fall within the Oki Data criteria.

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:

(i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the domain name; or

(ii) that the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel considers that, given the Complainant's long-standing use of its CALZEDONIA trademark and its consequent worldwide recognition, the Respondent could not have been unaware of the Complainant and its trademark when it registered the disputed domain name, which consists of the Complainant's trademark combined with an additional term that describes the goods associated with that trademark. It has been established in previous UDRP decisions that the registration of a domain name incorporating a widely-recognized or well-known trademark by a third party who has no connection with the trademark is a clear indication of bad faith *(*see *Pepsico, Inc. v. Domain Admin,* WIPO Case No. D2006-0435*; Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.,* WIPO Case No. D2000-0163*)*. Moreover, it has been held in previous UDRP cases that a respondent's knowledge of a complainant's trademark rights, and its bad faith registration of the disputed domain name, may be inferred when the domain name merely consists of the complainant's trademark and a term "clearly relate[d]" to the complainant's products *(GA Modefine S.A. v. Thomas Casey,* WIPO Case No. D2009-0826*).* In light of the foregoing, the Panel concludes that the Respondent was aware of the Complainant's CALZEDONIA trademark at the time of registration and that the disputed domain name was registered in bad faith.

Moreover, considering that the Complainant's trademark is used on the associated website, which appears to offer the same types of products for which the Complainant's trademark is registered and used, and further that the page title of the website includes the phrase "Outlet Türkiye," the Panel considers it possible that Internet users may be misled into believing that the website is an official platform operated by the Complainant for the sale of its discounted products in different countries. In this regard, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, or affiliation of the website. Accordingly, the Panel concludes that the Respondent's conduct constitutes bad-faith use of the disputed domain name within the meaning of paragraph 4(b)(iv) of the Policy.

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 name <calzedoniabikinis.com> be transferred to the Complainant.

/Zeynep Yasaman/
Zeynep Yasaman
Sole Panelist
Date: November 12, 2025