

ADMINISTRATIVE PANEL DECISION

Caffè Borbone S.r.l. v. 赵久标 (zhao jiubiao)
Case No. D2025-4031

1. The Parties

The Complainant is Caffè Borbone S.r.l., Italy, represented by Società Italiana Brevetti S.p.A., Italy.

The Respondent is 赵久标 (zhao jiubiao), China.

2. The Domain Names and Registrar

The disputed domain names <borbone.top> and <caffeborbone.top> are registered with Xin Net Technology Corp. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on October 2, 2025. On October 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 9, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 9, 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 in English on October 10, 2025.

On October 9, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On October 10, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on October 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 7, 2025.

The Center appointed Joseph Simone as the sole panelist in this matter on November 24, 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, Caffè Borbone S.r.l., is an Italian coffee maker that produced around 96 tons of processes coffee in its Italian factories each day. The Complainant's products (namely, capsules, coffee beans, ground coffee) are distributed worldwide. The Complainant also promotes its business at the website "www.caffeborbone.com".

The Complainant has a portfolio of trade mark registrations incorporating the CAFFÈ BORBONE and BORBONE marks, including the following:

- Italy Trade Mark Registration No. 0000895990 for CAFFÈ BORBONE in Classes 9, 30, and 42, registered on June 9, 2003;
- International Trade Mark Registration No. 902614 for CAFFÈ BORBONE in Classes 9, 30, and 43, registered on January 11, 2006, designating inter alia the European Union and the Russian Federation;
- United States Trade Mark Registration No. 4356426 for CAFFÈ BORBONE in Classes 7, 30, and 43, registered on June 25, 2013;
- China Trade Mark Registration No. 77976901 for BORBONE in Class 30, registered on October 7, 2024; and
- European Union Trade Mark Registration No. 18719148 for BORBONE in Classes 9, 35, and 42, registered on October 25, 2022.

The disputed domain names <borbone.top> and <caffeborbone.top> were registered on August 4, 2025. The evidence provided by the Complainant indicates that at the time of filing of the Complaint, the disputed domain names both resolved to a holding page with language "This store is under construction". At the time of issuance of this Decision, the disputed domain names resolves to error pages.

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.

Notably, the Complainant contends that the disputed domain names registered by the Respondent are identical or confusingly similar to the Complainant's CAFFÈ BORBONE and BORBONE marks.

The Complainant asserts that it has not authorized the Respondent to use the CAFFÈ BORBONE and BORBONE marks, and there is no evidence to suggest that the Respondent has used, or has undertaken any demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services.

The Complainant also claims there is no evidence that the Respondent has any connection to the CAFFÈ BORBONE and BORBONE marks, and that there is no plausible good faith reason for the Respondent to have registered the disputed domain names.

The Complainant therefore argues that the registration and any use of the disputed domain names must be in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain names is Chinese. 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 Complainant is not familiar with the Chinese language, and holding the proceeding in Chinese would impose an unnecessary burden on the Complainant;
- the registration of the disputed domain names consisting of Latin characters makes it clear that the Respondent is familiar with the English language; and
- the disputed domain names both resolved to the same content pages, which display the English message "This store is under construction" and otherwise contained no substantive content.

The Respondent did not make any submissions with respect to the language of the proceeding, did not file any response and has taken no part in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel must exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including 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 Substantive Issues

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 names. [WIPO Overview 3.0](#), section 1.7.

The Panel acknowledges that the Complainant has established rights in the CAFFÈ BORBONE and BORBONE trade marks. [WIPO Overview 3.0](#), section 1.2.1.

Disregarding the generic Top-Level Domain (“gTLD”) “.top”, the disputed domain names <borbone.top> and <caffeborbone.top> respectively incorporate the terms “borbone” and “caffe borbone” in their entirety. These terms are identical to the texture element of the Complainant’s trade marks BORBONE and CAFFÈ BORBONE. Thus, the disputed domain names should be regarded as identical to the Complainant’s BORBONE and CAFFÈ BORBONE trade marks respectively. [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

The Panel therefore finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the CAFFÈ BORBONE and BORBONE trade marks and in showing that the disputed domain names are identical to its marks.

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.

In this case, the Complainant asserts that it has not authorized the Respondent to use its trade marks and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Having reviewed the available records, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or legitimate interests in the disputed domain names. There is also no evidence to show that the Respondent has been commonly known by the disputed domain names or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain names.

As such, the Panel concludes that the Respondent has failed to rebut the Complainant’s prima facie showing of the Respondent’s lack of rights or legitimate interests in the disputed domain names, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

Accordingly, and based on the Panel’s findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

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

- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark 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) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its 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 its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also 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.

For reasons discussed under this and the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain names.

As indicated above, the Complainant's trade mark registrations incorporating the BORBONE and CAFFÈ BORBONE marks predate the registration dates of the disputed domain names. The Panel finds that the Respondent was or should have been aware of the Complainant's trade marks at the time of registration. Prior to the registration dates of the disputed domain names, the "borbone" and "caffè borbone" brands were already widely known and directly associated with the Complainant's activities. A simple online search for the terms "borbone" and "caffè borbone" would have revealed the existence of the established BORBONE and CAFFÈ BORBONE brands. Furthermore, the specific combination of "caffè" and "borbone" in one of the disputed domain names is clearly indicative of targeting of the Complainant and cannot reasonably be considered coincidental. [WIPO Overview 3.0](#), section 3.2.2.

As of this writing, the disputed domain names resolves to inactive pages, meaning that the disputed domain names have not been actively used by the Respondent. Nevertheless, the Panel holds that the particular circumstances of this case establish the Respondent's bad faith under the doctrine of passive holding. Panels have found that the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. More precisely, previous panels have already considered that passive holding of a disputed domain name can satisfy the requirements of paragraph 4(a)(iii) of the Policy, and that in such cases the panel must give close attention to all the circumstances of the Respondents' behavior (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). The factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. It should be emphasized that it is not required that all the above-listed factors be present in order to establish bad faith use of the disputed domain name (see, for example, *Compagnie Générale des Etablissements Michelin v. K Nandalal, BlueHost*, WIPO Case No. [D2021-3990](#)).

Having reviewed the available record, the Panel notes the presence of several factors relevant to the doctrine of passive holding. These include the distinctiveness and reputation of the Complainant's trademark, and the Respondent's failure to submit a Response to these proceedings – and consequently, its failure to provide any evidence of actual or contemplated good-faith use. Additionally, in the Panel's opinion, considering the distinctiveness and the reputation of the Complainant's BORBONE and CAFFÈ BORBONE trade marks in the relevant industry, the structure of the disputed domain names, and lack of response from the Respondent, it is difficult to imagine any good faith use that the disputed domain names could be put into. The Panel therefore finds that, in the circumstances of this case, the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

Accordingly, the Panel finds that the Respondent has registered and used the disputed domain names in bad faith pursuant to paragraph 4(a)(iii) 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 <borbone.top> and <caffeborbone.top> be transferred to the Complainant.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: December 8, 2025