

ADMINISTRATIVE PANEL DECISION

Marco Speghini, Jing Wang v. Domain admin, Domain Sales - (Expired domain caught by auction winner)

Case No. D2025-4306

1. The Parties

The Complainants are Marco Speghini, and Jing Wang, Italy, jointly represented by Marco Speghini, Italy.

The Respondent is Domain admin, Domain Sales - (Expired domain caught by auction winner), Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <oohva85.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 21, 2025. On October 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 26, 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 (“Super Privacy Service LTD c/o Dynadot”) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 29, 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 October 30, 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 November 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 24, 2025.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on November 28, 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

On October 6, 2025, the Complainants applied to register European Union Trademark Number 019256880, OOHVA 85 (the "EUTM"), in respect of: cosmetics and skincare preparations in International Class 3, non-alcoholic beverages in International Class 32 and alcoholic beverages in International Class 33. At the time of the filing of the Complaint and as of the date of this Decision, the trademark application is pending and under examination before the European Union Intellectual Property Office.

On October 9, 2025, the Complainants secured International Registration No 1888405 based on their EUTM. The International Registration designates Canada, China, the United Kingdom, the Russian Federation, and the United States of America.

The disputed domain name was also registered on October 6, 2025.

The Complainants have provided evidence that the disputed domain name was being offered for sale for USD 2599.00 on the Registrar's website. At the time of this Decision, the disputed domain name resolves to a parked page where such is being offered for sale at USD 1999.00.

5. Discussion and Findings

No Response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates disclosed and confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. The Panel notes that the Center's electronic notice of the proceedings seems to have been delivered to the Respondent's email address, but the Written Notice of the Complaint could not be delivered. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct contact details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate each of the following:

- (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 has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The first element that the Complainants must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

In *Zoom Video Communications, Inc. v. Makow, Ken* WIPO Case No. [D2021-0117](#), the panel considered that the complainant's International Registrations qualified as registered trademarks for the purposes of the Policy. The case is not on all fours with the present situation as the complainant also held some national and European Union registered trademarks as well and had commercial use.

In the present case, the Complaint states that the Complainants' applications were made on the basis of intent to use. The Complainants also claim to have undertaken "substantial commercial and legal preparations to adopt their trademark. They support that claim with evidence that their preparatory steps have included "commissioning a comprehensive trademark clearing search". The Panel does not consider that these activities would be sufficient in themselves to generate rights in an unregistered trademark as the specific conduct is not directed to generating reputation with the public.

That said, this is not a case where the Complainants rely merely on a pending trademark application since, as already noted, the Complainants do have an International Registration. International Registrations have also been accepted as registered trademark rights under the Policy in *Ironfx Global Limited v. Jinsoo Yoon*, WIPO Case No. [D2014-2174](#) (in which the Complainant also had a trademark registered in the United States) and *F. Hoffmann-La Roche AG v. Aiden Aibo*, WIPO Case No. [D2010-0364](#).

Further, it is well accepted that the first element functions primarily as a standing requirement. That is, "this is a relatively low threshold test for a complainant, the object being to establish that there is a bona fide basis for the complaint." See *The Perfect Potion v. Domain Administrator*, WIPO Case No. [D2004-0743](#).

In these circumstances and having regard to the matters considered in sections 5B and 5C below including in particular that the Respondent appears to have derived the disputed domain name from the Complainants' EUTM, the Panel is prepared to proceed on the basis that the Complainants have established trademark rights in OOHVA 85 under the Policy.

The comparison of the disputed domain name to the Complainants' trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. See e.g., WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top Level Domain ("gTLD") component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the ".com" gTLD and the trivial omission of the "space" between the "oohva" and "85" elements, the disputed domain name consists of the Complainants' trademark. Accordingly, the Panel finds that the Complainants have established that the disputed domain name is identical with the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainants must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] 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 [disputed] 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 [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. 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.

The Complainants state that they have not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with them.

The disputed domain name is not derived from the Respondent's name (which is merely “domain admin”). Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

The precise timings of the filing of the Complainants' EUTM and the registration of the disputed domain name are not clear. The Complainants plausibly contend that the Respondent registered the disputed domain name after becoming aware of the Complainants' trademark application.

The Panel cannot wholly exclude the possibility that the Respondent conceived the disputed domain name independently of the Complainants' trademark application. However, the expression “oohva 85” appears to be an invented or coined term which is not descriptive of anything nor a dictionary word nor other commonly used phrase. Therefore, the Panel considers it more likely that the disputed domain name was registered with knowledge of the Complainants' EUTM with the intention of anticipating the Complainants¹. That inference can be more confidently drawn given the Respondent's failure to provide an explanation about the derivation of the disputed domain name in the face of the Complainants' specific allegation that the Respondent copied it from the Complainants' trademark application.

The use of the disputed domain name to offer it for sale (at what appears to be a speculative price) where the trademark appears to be an invented or coined term and the Respondent appears to be targeting the Complainants' trademark does not qualify as a good faith under the Policy.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has acquired the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement. Accordingly, the Panel finds the Complainants have established the second requirement under the Policy also.

¹It is well established that attempting to “gazump” another's nascent trademark rights constitutes abusive conduct under the Policy. See e.g., *General Growth Properties, Inc., Provo Mall L.L.C. v. Steven Rasmussen/Provo Towne Centre Online*, WIPO Case No. [D2003-0845](#).

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainants must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g., *Group One Holdings Pte Ltd v. Steven Hafto*, WIPO Case No. [D2017-0183](#).

As noted above, the Complainant plausibly alleges that the disputed domain name was registered after the Complainant's EUTM was filed. As the term "oohva 85" in particular is an invented or coined term and not descriptive, it appears that the Respondent has acquired the disputed domain name because of its trademark significance for the purposes of offering it for sale to the Complainant at a speculative price. In circumstances where the Respondent has not sought to claim, let alone establish, that he or she has rights or legitimate interests in the disputed domain name, therefore, the Panel finds the Respondent has registered and used it in bad faith.

Accordingly, the Complainants have established all three requirements under the Policy.

6. 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 <oohva85.com> be transferred to the Complainants.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: December 12, 2025