

ADMINISTRATIVE PANEL DECISION

Officina Profumo Farmaceutica di Santa Maria Novella S.p.A. v.

Stewart Robert, niu youguo

Case No. D2025-4461

1. The Parties

The Complainant is Officina Profumo Farmaceutica di Santa Maria Novella S.p.A., Italy, represented by Bugnion S.p.A., Italy.

The Respondents are Stewart Robert, United States of America and niu youguo, United States of America.

2. The Domain Names and Registrar

The disputed domain names <santamarianovellaonline.shop> and <ussmnovelladigital.shop> are registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 29, 2025. On October 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 30, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 31, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that both disputed domain names are under common control. The Complainant filed an amendment to the Complaint on November 18, 2025.

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 Respondents of the Complaint, and the proceedings commenced on November 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on December 9, 2025.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on December 15, 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 is a company operating in the cosmetic sector, with headquarters in Italy.

The Complainant owns several trade marks S.M.NOVELLA and SANTA MARIA NOVELLA including:

- European Union Trade Mark S.M.NOVELLA number 016768947 registered on September 27, 2017; and
- European Union Trade Mark SANTA MARIA NOVELLA number 018865486 registered on October 13, 2023.

The disputed domain names were registered respectively on July 19, 2025, for <ussmnovelladigital.shop> and on September 9, 2025, for <santamarianovellaonline.shop>.

The disputed domain names point to websites purporting to sell the Complainant's products and suggesting that they are affiliated with the Complainant.

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 are confusingly similar to its S.M.NOVELLA and SANTA MARIA NOVELLA trade marks, respectively.

The Complainant states that the Respondents are not making a legitimate noncommercial or fair use of the disputed domain names.

The Complainant contends that the Respondents were well aware of the Complainant's trade marks at the time of registration of the disputed domain names and that they were registered and used in order to take unfair advantage of the Complainant's trade marks to generate undue commercial gains.

B. Respondent

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the disputed domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, it is far from being a clearcut case but the Panel notes that the disputed domain names (i) target the same trade mark owner, (ii) directed to websites purporting to sell the Complainant's products, and (iii) were registered within a few weeks from one another using the same Registrar, under the same generic Top-Level Domain ".shop". Importantly, whilst they had an opportunity to do so, neither Respondent submitted any response or comment in relation to the Complaint and the issue of common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of trade marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that each trade mark of the Complainant is recognizable within the respective disputed domain name. Accordingly, the disputed domain names are confusingly similar to the S.M.NOVELLA and SANTA MARIA NOVELLA trade marks respectively, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, respectively, "online" for one disputed domain name and "us" and "digital" for the other, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the respective disputed domain names and the S.M.NOVELLA and SANTA MARIA NOVELLA trade marks of the Complainant, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

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 the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

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.

In the present case, the Panel finds that the Respondent must have been aware of the S.M.NOVELLA and SANTA MARIA NOVELLA trade marks and that the Respondent targeted the Complainant given that (i) the S.M.NOVELLA and SANTA MARIA NOVELLA trade marks were registered several years before the disputed domain names and (ii) the Complainant's trade marks are not generic or descriptive and there is no explanation in the record as to why the S.M.NOVELLA and SANTA MARIA NOVELLA trade marks would have been included in the disputed domain names other than to seek to unduly benefit from the goodwill attached to the S.M.NOVELLA and SANTA MARIA NOVELLA trade marks.

As for use of the disputed domain names in bad faith, the Panel finds that the disputed domain names have been registered and used in order to attempt to attract, for commercial gain, Internet users to the websites associated with the disputed domain names, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the websites associated with the disputed domain names.

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 <santamarianovellaonline.shop> and <ussmnovelladigital.shop> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: December 29, 2025