

ADMINISTRATIVE PANEL DECISION

Caffè Borbone S.r.l. v. RAMI ALMIARI, RSAM
Case No. D2025-4579

1. The Parties

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

The Respondent is RAMI ALMIARI, RSAM, Lebanon.

2. The Domain Name and Registrar

The disputed domain name <drinkborbone.com> 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 November 5, 2025. On November 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 7, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 7, 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 November 10, 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 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2025. The Respondent sent email communications to the Center on November 12, 2025 and December 2, 2025. On November 13, 2025, the Center sent an email regarding possible settlement.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on December 9, 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.

The Respondent sent an email communication to the Center on December 9, 2025 and the Complainant responded to it on December 11, 2025.

4. Factual Background

The Complainant is a company operating in the coffee industry, with its headquarters in Italy.

The Complainant owns several BORBONE and CAFFÈ BORBONE trade marks including the following:

- European Union Trade Mark BORBONE registered on October 25, 2022 under number 018719148; and
- European Union Trade Mark CAFFÈ BORBONE registered on November 23, 2016 under number 015670541.

The Complainant owns and operates several domain names reflecting its trade marks, including the domain name <caffeborbone.com>.

The disputed domain name was registered on August 20, 2025. The disputed domain name used to point to a website misleadingly giving the impression that it was owned, operated by, or affiliated with the Complainant and the disputed domain name does not currently point to an active website and triggers an error message.

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 addition of the common and purely descriptive term "drink" to its BORBONE trade mark in the disputed domain name does not reduce the likelihood of confusion between its BORBONE trade mark and the disputed domain name.

The Complainant declares that the Respondent is not known to the Complainant and that the Complainant has neither authorized nor somehow given its consent to the Respondent to register or use the disputed domain name. The Complainant asserts that the Respondent does not own any trade mark corresponding to the disputed domain name. The Complainant adds that the Respondent is not 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 trade mark or service mark at issue, since the website to which the disputed domain name points gives the impression that it is operated by the Complainant himself or an authorized reseller, without any visible disclaimer describing the (lack of) relationship between the Complainant and the Respondent.

The Complainant asserts that at the time of registration by the Respondent of the disputed domain name, the Complainant's business and trade mark CAFFÈ BORBONE were already well established and the Respondent "knew or should have known" about the existence of the earlier Complainant trade mark. As for use of the disputed domain name in bad faith, the Complainant consider that the Respondent is unfairly and intentionally taking advantage of, and exploiting without authorization, the reputation and distinctiveness of

the Complainant's trade marks BORBONE and CAFFÈ BORBONE to attract Internet users to the website associated with the disputed domain name.

B. Respondent

The Respondent sent very succinct email communications to the Center on November 12, 2025 and another after the due date for Response, on December 2, 2025. The Respondent sent a further brief email communication to the Center on December 9, 2025.

The Respondent essentially denies any wrongdoing, explains that it is merely a web developer, that it purchased the disputed domain name from the hosting provider and that in any event the Respondent's client was authorized by the Complainant to register and use the disputed domain name.

6. Discussion and Findings

6.1 Preliminary Procedural Issue - Admissibility of Supplemental Filing from the Respondent and the Complainant

Under the Rules, no express provision is made for supplemental filings by either Party, except in response to a deficiency notification or if requested by the Center or the Panel. Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of unsolicited supplemental filings.

Admissibility of supplemental filings is to be assessed based on relevance and foreseeability (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 4.6).

The Panel will not admit the supplemental filings from the Respondent as the submissions are duplicative of earlier communications and the Respondent had sufficient time and opportunities to submit such earlier in the proceeding. Accordingly, there is no need to consider the Complainant's supplemental filing in reply. In any event the supplemental filings would not have affected the Panel's conclusion in these administrative proceedings.

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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

The entirety of the BORBONE trade mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the BORBONE trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, "drink", may bear on assessment of the second and third elements, the Panel finds the addition of such 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.

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 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 the composition of the disputed domain name carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

In addition, the disputed domain name pointed to an e-commerce website reproducing the trade mark of the Complainant and falsely suggesting that it was owned, operated by, or affiliated with the Complainant, without any disclaimer as to the absence of any relationship with the Complainant.

Panels have held that the use of a domain name for illegitimate activity here, impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel notes that the Respondent claims its client has a franchisee relationship with the Complainant, but did not identify the alleged client or provide any evidence in support of such claim. Moreover, the Complaint expressly states that no authorization or consent was given to Respondent to register the disputed domain name. In any event, as discussed above, the use of the inherently misleading disputed domain name to resolve to a website falsely suggesting a relationship with the Complainant does not support a finding of rights or legitimate interests.

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.

The disputed domain name reproduces the exact BORBONE trade mark of the Complainant and this is unlikely to be a coincidence given the overall circumstances of the present case including (i) the fact that the disputed domain name was registered relatively recently and several years after the registration of the trade mark BORBONE, (ii) the fact that the disputed domain name reproduces the entire BORBONE trade mark, (iii) the addition of the term “drink” to the BORBONE trade mark in the disputed domain name which is a clear indication of the Respondent’s intent to target the Complainant, and (iv) the subsequent use of the disputed domain name.

As for the use of the disputed domain name in bad faith, the Panel notes that the disputed domain name pointed to a website reproducing the trade mark of the Complainant and falsely suggesting that it was owned, operated by, or affiliated with the Complainant, without any disclaimer as to the absence of any relationship with the Complainant.

On this basis, the Panel finds that, as per paragraph 4(b)(iv) of the Policy, by using the disputed 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 trade 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.

Panels have held that the use of a domain name for illegitimate activities, here, impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <drinkborbone.com> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: December 23, 2025