

ADMINISTRATIVE PANEL DECISION

Ferrari S.p.A. v. web master, Expired domain caught by auction winner.***Maybe for sale on Dynadot Marketplace***

Case No. D2025-5027

1. The Parties

The Complainant is Ferrari S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is web master, Expired domain caught by auction winner.***Maybe for sale on Dynadot Marketplace***, Hong Kong, China.

2. The Domain Names and Registrar

The disputed domain names <ferrariinaudita.com>, <ferrariluce.com>, and <ferraripathos.com> (the “Domain Names”) are registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 3, 2025. On December 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On December 5, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (web master, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant December 5, 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 amendment to the Complaint on December 9, 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 Respondent of the Complaint, and the proceedings commenced on December 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 1, 2026.

The Center appointed Nicholas Smith as the sole panelist in this matter on January 7, 2026. 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 an iconic Italian car manufacturing company that since 1947 has offered a range of high-performance automobiles (and related products) under the trademark FERRARI (the “FERRARI Mark”) and various other marks containing FERRARI. In 2025, the Complainant has also applied to register FERRARI PATHOS, FERRARI LUCE, and FERRARI INAUDITA as trademarks in multiple jurisdictions (including international trademark applications and applications in Hong Kong, China, the location of the Respondent, both made on the day of the registration of the Domain Names). According to the InterBrand Best Global Brands List 2024, the FERRARI brand is valued USD 13.1 billion and represents the 62nd most valuable brand in the world.

The Complainant holds trademark registrations for the FERRARI Mark across the world including in the European Union and the United States (the United States registration being Registration No. 3,000,743, registered on September 27, 2005, for services in class 41).

Each of the Domain Names were registered on September 12, 2025. The Domain Names each resolve to a website that offers the Domain Names for sale for a sum that *prima facie* is greater than any likely out-of-pocket costs directly related to the Respondent’s registration of the Domain Names.

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 Domain Names.

Notably, the Complainant contends that:

- a) It is the owner of the FERRARI Mark, having registered the FERRARI Mark in various jurisdictions including Hong Kong, China, the European Union and United States. The Domain Names are confusingly similar to the FERRARI Mark as they reproduce the FERRARI Mark in its entirety and adds the additional terms “pathos”, “luce” (“light” in Italian), and “inaudita” and the generic Top-Level Domain (“gTLD”) “.com”.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Names. The Complainant has not granted any license or authorization for the Respondent to use the FERRARI Mark. The Respondent is not commonly known by the FERRARI Mark, nor does it use the Domain Names for a bona fide purpose or legitimate noncommercial purpose. Rather, the Respondent is merely offering the Domain Names for sale. Such use is not a legitimate use of the Domain Names.
- c) The Domain Names was registered and is being used in bad faith. The Domain Names were registered on the same day as the Complainant filed trademark applications in Hong Kong, China, and international trademark applications for FERRARI PATHOS, FERRARI LUCE, and FERRARI INAUDITA (and several months after it filed similar applications with the Italian Patent and Trademark Office). Based on the Respondent’s offer to sell the Domain Names for a sum greater than any out-of-pocket costs, the only possible motive held by the Respondent in registering the Domain Names was for the purpose of selling, renting, or otherwise transferring the Domain Names to the Complainant or to a competitor of that the Complainant, for valuable consideration in excess of the Respondent’s documented out-of-pocket costs directly related to the Domain Names. The Respondent has also demonstrated a pattern of conduct of similar behavior.

B. Respondent

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

6. Discussion and Findings

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 Domain Names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

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

The entirety of the mark is reproduced within each of the Domain Names. Accordingly, the Domain Names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "pathos", "luce", and "inaudita", 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 Domain Names 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 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 Domain Names such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Names or a name(s) corresponding to the Domain Names in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2;

- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Names. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3;
- the Respondent is not making a legitimate noncommercial or fair use of the Domain Names, without intent for commercial gain to misleadsly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4; and
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Names.

There is no evidence that the Respondent has used or made demonstrable preparations to use the Domain Names in connection with a legitimate noncommercial fair use or a bona fide offering of goods or services. Simply holding the Domain Names and offering to sell the Domain Names a sum greater than out-of-pocket costs does not, in the absence of other evidence, amount to use for a bona fide offering of goods or services.

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 registered the Domain Names for the purpose of selling each of them for an amount in excess of its out-of-pocket costs relating to the registration of the Domain Names. The Respondent without explanation has registered three Domain Names that wholly incorporate the well-known FERRARI Mark. The Domain Names are also identical to the FERRARI PATHOS, FERRARI LUCE, and FERRARI INAUDITA trademarks and were registered on the same day as the Complainant applied to register these marks in the location of the Respondent, as international trademarks. The Respondent has not used the Domain Names other than to offer each of them for sale for a significant sum. The Respondent has not provided any explanation for the registration of the Domain Names. In the absence of any explanation or any plausible good faith reason why an entity would register such Domain Names and offer them for sale immediately, the Panel concludes that the registration was motivated by an awareness of the FERRARI Mark (and the FERRARI PATHOS, FERRARI LUCE, and FERRARI INAUDITA trademark applications) and with the purpose of selling them for a sum greater than any out-of-pocket costs related to the Domain Names. Pursuant to 4(b)(i) of the Policy, the Respondent has registered and is using the Domain Names in bad faith.

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 Domain Names <ferrariinaudita.com>, <ferrariluce.com>, and <ferraripathos.com> be transferred to the Complainant.

/Nicholas Smith/
Nicholas Smith
Sole Panelist
Date: January 9, 2026