

## **ADMINISTRATIVE PANEL DECISION**

**Azzurra Capital Management FZE v. Neil Herer, Captains Corner Marketing Inc.**

**Case No. D2026-0188**

### **1. The Parties**

The Complainant is Azzurra Capital Management FZE, United Arab Emirates, represented by Studio Barbero S.p.A., Italy.

The Respondent is Neil Herer, Captains Corner Marketing Inc., United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <azzurracapitals.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 16, 2026. On January 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 20, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 21, 2026, 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 January 22, 2026.

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 January 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 12, 2026.

The Center appointed Nicholas Smith as the sole panelist in this matter on February 13, 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 international private equity and asset management firm that offers a range of financial services under the AZZURA CAPITAL brand. In particular the Complainant operates a website at “www.azzuracapital.com” which provides information on the Complainant’s specialized asset management services.

The Complainant has held a trademark registration a mark consisting of the words “Azzura Capital” and a square blue device (the “AZZURA CAPITAL Mark”) in various jurisdictions since 2022, including European Union Trademark Registration Number 018602188, registered March 9, 2022, for financial and investment consultancy services in class 36.

The Domain Name was registered on December 5, 2025. The Domain Name does not resolve to an active website. The Complaint contains evidence that the Respondent has sent a series of emails from an email account in the address format “[...]@azzuracapitals.com” where the Respondent impersonates the Complainant (indeed a senior named employee of the Complainant). In those emails, the Respondent conducts a phishing scam where the Respondent impersonates the Complainant to the Complainant’s customers and investors and seeks to re-direct payments from them to third party accounts for illegitimate purposes.

#### **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 Name.

Notably, the Complainant contends that:

- a) It is the owner of the AZZURA CAPITAL Mark, having registered the AZZURA CAPITAL Mark in the European Union. The Domain Name is confusingly similar to the AZZURA CAPITAL Mark as it reproduces the word portion of the AZZURA CAPITAL Mark in its entirety and adds the letter “s” to create a minor misspelling.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the AZZURA CAPITAL Mark. The Respondent is not commonly known by the AZZURA CAPITAL Mark, nor does it use the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Rather, the Domain Name is used for emails impersonating the Complainant, which does not provide the Respondent with rights or legitimate interests in the Domain Name.
- c) The Domain Name was registered and is being used in bad faith. The Domain Name is being used for emails that impersonate the Complainant in order to perpetuate fraud.

## **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 disputed domain name. 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 Panel finds the mark is recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Panel notes that the device element in the AZZURA CAPITAL Mark can be disregarded for purposes of assessing identity or confusing similarity under the first element as they would be incapable of being reproduced in a domain name. [WIPO Overview 3.0](#), section 1.10. Furthermore, a domain name which consists of a misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for the purpose of the first element. Here the addition of the letter "s" to the word portion of the AZZURA CAPITAL Mark creates a minor misspelling of the Complainant's trademark. [WIPO Overview 3.0](#), section 1.9.

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 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 Domain Name 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 Name or a name corresponding to the Domain Name 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 Name. 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 Name, without intent for commercial gain to misleadingly 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.
- The record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

Furthermore, the Respondent's use of the Domain Name is in connection with a phishing scheme, namely to send emails passing itself off as the Complainant to third parties demanding payments based on false and misleading statements. Panels have held that the use of a domain name for illegitimate activity (here claimed to be phishing and impersonation/passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Panels have held that the use of a domain name for illegitimate activity (here claimed to be phishing and impersonation/passing off) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Domain Name constitutes bad faith under the Policy. The Domain Name has been used to create an email account where the Respondent sends emails purporting to be emails from the Complainant (indeed a senior employee of the Complainant) in order to improperly demand payment from the Complainant's customers and investors which amounts to the commission of fraud. This activity commenced shortly after the Domain Name was registered.

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 Name <azzurracapitals.com> be transferred to the Complainant.

*/Nicholas Smith/*

**Nicholas Smith**

Sole Panelist

Date: February 16, 2026