

## **ADMINISTRATIVE PANEL DECISION**

Footasylum Limited v. Carlo Panaccione  
Case No. D2026-1124

### **1. The Parties**

The Complainant is Footasylum Limited, United Kingdom, represented by Konexo, Eversheds Sutherland (International) LLP, United Kingdom.

The Respondent is Carlo Panaccione, United States of America (“Unites States”).

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

The disputed domain name <footasylumonline.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 16, 2026. On March 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 2026, the Registrar transmitted by email to the Center its verification disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Not known, Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 19, 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 amended Complaint on March 24, 2026.

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 March 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 20, 2026.

The Center appointed Teruo Kato as the sole panelist in this matter on April 23, 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**

According to the Complainant, the Complainant is a company incorporated in the United Kingdom and is one of Europe's leading multi-channel retailers of fashion streetwear and sportswear, selling online and through over 60 stores in the United Kingdom. The Complainant also contends that it launched its website, "www.footasyllum.com" in August 2025 and has been offering for sale clothing and footwear from some of the major global brands, such as Nike and Adidas, alongside a number of own brands.

The Complainant submitted certain documentary evidence indicating that it owns a portfolio of trade mark registrations, including in particular:

- United Kingdom Trade Mark Registration No. 2406608 for FOOTASYLUM registered on May 12, 2006 in classes 25 and 35.

- United Kingdom Trade Mark Registration No. 3811498 for FOOTASYLUM registered on October 14, 2022 in classes 9, 18, 36 and 41.

- International Trade Mark Registration No. 1780423 for FOOTASYLUM registered on October 31, 2023 in classes 9, 18, 25, 28, 35, 36, 41 and 42, designating Bahrain, Canada, Oman and Qatar.

The disputed domain name was registered on September 1, 2025.

The Complainant contends, with documentary evidence, that the disputed domain name resolves to a website which has been copied from the Complainant's website and that the prices for the products which are being offered for sale on that site are heavily discounted.

The Registrar confirmed the identity of the Respondent as Carlo Panaccione, United States.

#### **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.

##### **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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of another term here, “online”, 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 3.1](#), 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 that 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 3.1](#), 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.

Further, the Complainant contends that the Respondent is intentionally deceiving members of the public and fraudulently obtaining monies from members of the public. The Respondent was given opportunity to defend itself against such contention, but failed to do so. Panels have held that the use of a domain name for copycat sites as seen here can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), 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.

In the present case, the Panel holds that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark. Policy, paragraph 4(b)(iv).

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity here, claimed copycat site, passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <footasylumonline.com> be transferred to the Complainant.

*/Teruo Kato/*

**Teruo Kato**

Sole Panelist

Date: April 24, 2026