

ADMINISTRATIVE PANEL DECISION

Caffè Borbone S.r.l. v. Arturo Fabozzi, IL POLLICE VERDE S.A.S
DI FABOZZI ARTURO & C.
Case No. D2026-1356

1. The Parties

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

The Respondent is arturo fabozzi, IL POLLICE VERDE S.A.S DI FABOZZI ARTURO & C., Italy.

2. The Domain Name and Registrar

The disputed domain name <borbonstore.com> is registered with Wix.com Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 30, 2026. On March 31, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 2026, 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 (The RDAP server redacted the Value, IL POLLICE VERDE S.A.S DI FABOZZI ARTURO & C.) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 7, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint specifying that should the Complainant decide not to amend the Complaint, the identification of the Respondent would be at the discretion of the Panel once appointed. On April 8, 2026, the Complainant acknowledged receipt of the Center’s communication, noting that no amendments were necessary, since information on the registrant had been retrieved at the time the Complaint was filed and was included therein.

The Center verified that 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 April 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 19, 2026.

The Center appointed Anna Carabelli as the sole panelist in this matter on May 26, 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 following facts are undisputed and are supported by the documents attached to the Complaint.

Founded in 1996 in Naples, the Complainant is considered one of Italy's leading coffee producers, with a daily output of approximately 96 tons of coffee processed at its Italian facilities. The Complainant received two stars in 2019 from the International Taste Institute. In the same year, the Complainant also won the 2019 Quality Award, the prize given to food products (Food & Beverage) through sensory tests conducted by independent laboratories specializing in sensory analysis. In 2020, the Complainant was the winner in the ceremony for the awarding of the Business Excellence Award 2020 sponsored by the Italian Stock Exchange.

The Complainant's products (namely, capsule, coffee beans, ground coffee) are distributed all over the world under the brand BORBONE, including online via the Complainant's main corporate website which can be accessed at the domain name <caffeborbone.com>.

The Complainant is the owner of several trademark registrations for BORBONE in various jurisdictions, including the following:

- European Union BORBONE trademark registration No. 15670532 (figurative), registered on Nov. 23, 2016 in Classes 7, 11, 21, 30, 35, 37, 40 and 43; and
- European Union BORBONE trademark registration No. 18719148 (word mark), registered on Oct. 25, 2022 in Classes 9, 35 and 42.

The Complainant also owns domain names reflecting the trademark BORBONE, including <borbone.com>, <caffeborbone.store> and <borbone.store>, both of which redirect to the Complainant's website.

The disputed domain name was registered on February 11, 2026, and resolves to an active website purportedly offering BORBONE branded products as well as competing coffee products.

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 Complainant's trademark BORBONE is widely known and reputed in their field of services, as recognized in prior UDRP decisions (see *Caffè Borbone S.r.l. v. RONGKAI*, WIPO Case No. [DCO2024-0075](#) and *Caffè Borbone S.r.l. v. Beats, Beats/KAI*, WIPO Case No. [D2022-0824](#));
- the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, since it reproduces the Complainant's BORBONE mark except for the omission of the final letter "e". The addition of the descriptive term "store" is not sufficient to mitigate the confusion;
- the Respondent has no rights or legitimate interests in the disputed domain name since: since: (i) the Complainant has not authorized or somehow given consent to the Respondent to register and use the disputed domain name, (ii) the Respondent is not commonly known by the disputed domain name, and (iii) the Respondent's use of the disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use;

- the disputed domain name was registered and is being used in bad faith to attract for commercial gain Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trademark BORBONE.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Identification of the Respondent

The Complainant decided not to amend the Complaint following the Center's invitation; however, the identification of the Respondent is at the discretion of the Panel.

Section IIB. ("The Respondent") of the Complaint identifies the company IL POLLICE VERDE S.A.S DI FABOZZI ARTURO & C as the Respondent in these proceedings. This is a specific type of business entity established under Italian law as a so-called "società in accomandita semplice" (abbreviated as "S.A.S."), whose corporate name must include the name of at least one of the general partners who are personally and fully liable for the company's obligations (in this specific case, Arturo Fabozzi).

The information contained in the Complaint is consistent with the information provided by the Registrar which identifies the registrant of the disputed domain name as follows: First Name: Arturo, Last Name: fabozzi, Company: IL POLLICE VERDE S.A.S DI FABOZZI ARTURO & C..

The Panel finds that the Respondent is arturo fabozzi, IL POLLICE VERDE S.A.S DI FABOZZI ARTURO & C.

6.2. Substantive Issues

Paragraph 15(a) of the Rules instructs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of the Respondent's rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy above.

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 Panel finds the mark is recognizable within the disputed domain name. The disputed domain name fully incorporates the Complainant's BORBONE trademark except for the deletion of the final letter "e" at the end of the mark. In the Panel's view this is an example of an intentional misspelling of a trademark that results in a domain name that is confusingly similar to the mark, and a typical case of typosquatting. Accordingly, The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark BORBONE. [WIPO Overview 3.1](#), sections 1.7 and 1.9.

The addition of the generic Top-Level Domain, such as ".com", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

Although the addition of other terms, here "store", 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. Indeed, the term "store" is likely to enhance the confusion since it refers to a service offered by the Complainant.

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.

Moreover, the Respondent has used the disputed domain name to operate a website offering allegedly BORBONE branded products, as well as competing third party products. There is not any disclaimer on the website disclosing the (lack of) relationship between the Parties. This cannot constitute fair use.

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, in the Panel's view it is difficult to believe that the Respondent did not have in mind the Complainant's trademark when registering the disputed domain name. The disputed domain name resolves to a website purportedly offering the Complainant's products as well as competing third-party products. This indicates that the Respondent knew of and targeted the Complainant when registering the disputed domain name and suggests that the disputed domain name was registered in bad faith with a deliberate intent to mislead Internet users into believing the disputed domain name as an official domain name of the Complainant.

By directing the disputed domain name to a commercial website allegedly offering the Complainant's goods, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or of the products on its website ([WIPO Overview 3.1](#), section 3.1.4).

Under paragraph 4(b)(iv) of the Policy, this circumstance shall be evidence of the registration and use of a domain name 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 disputed domain name <borbonstore.com> be transferred to the Complainant.

/Anna Carabelli/

Anna Carabelli

Sole Panelist

Date: June 8, 2026