

## **ADMINISTRATIVE PANEL DECISION**

Caffè Borbone S.r.l. v. Omar Ayua  
Case No. D2026-1511

### **1. The Parties**

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

The Respondent is Omar Ayua, Egypt.

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

The disputed domain name <respresso.site> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 9, 2026. On April 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 13, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 8, 2026.

The Center appointed Rodrigo Azevedo as the sole panelist in this matter on May 21, 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, Caffè Borbone S.r.l., is an Italian company active in the coffee industry. Founded in 1996 in Naples, Italy, the Complainant manufactures and commercializes coffee products, including capsules, coffee beans, and ground coffee under the brand RESPRESSO.

The Complainant owns trademark registrations for RESPRESSO in several jurisdictions, including Italian Trademark Registration No. 302013902161379, registered on February 5, 2014; and International Trademark Registration No. 1637836, registered on October 29, 2021, including Egypt.

The disputed domain name <respresso.site> was registered on February 19, 2026.

The Respondent is identified in the registration data as “omar ayua”, Egypt.

The disputed domain name resolves to a website headed “RESPRESSO SPECIALTY COFFEE” and “We Breathe Coffee”. The website contains a login section and coffee-related images, without information identifying its operator.

#### **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:

(i) The disputed domain name is identical or confusingly similar to the Complainant's trademark. The Complainant contends that it has rights in the RESPRESSO trademark by virtue of its trademark registrations and use in connection with coffee products. The disputed domain name identically reproduces the RESPRESSO trademark, with the addition only of the “.site” generic Top-Level Domain, which should be disregarded for the purposes of comparison under the first element of the Policy. The Complainant further contends that Internet users encountering the disputed domain name will inevitably associate it with the Complainant's RESPRESSO trademarks.

(ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant contends that the Respondent is not known by the disputed domain name and has not been authorized, licensed, or otherwise permitted by the Complainant to register or use a domain name incorporating the RESPRESSO trademark. Trademark database searches show no RESPRESSO trademark applications or registrations in the relevant coffee-related classes other than those owned by the Complainant, and no trademark applications or registrations in the name of the Respondent. The Respondent's website relates to the same business field as the Complainant, namely coffee, and contains no indication that the Respondent is commonly known by the disputed domain name. The use of the disputed domain name creates a false impression of affiliation with the Complainant and does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

(iii) The disputed domain name was registered and is being used in bad faith. The Complainant contends that the disputed domain name was registered long after the Complainant had established rights in the RESPRESSO trademark, including through trademark registrations in Italy and internationally. “Respresso” is not a common or descriptive term. Given the reputation of its business and RESPRESSO mark, the Respondent knew or should have known of the Complainant's rights when registering the disputed domain name. The Respondent registered and is using the disputed domain name to take unfair advantage of the reputation and distinctiveness of the Complainant's RESPRESSO trademark, by attracting Internet users to a website in the same field of activity and creating a likelihood of confusion as to source, sponsorship,

affiliation, or endorsement. The Complainant also relies on the absence of any apparent connection between the Respondent and the RESPRESSO mark, the lack of identifying information on the website, and the reproduction of the Complainant's trademark in the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, a complainant shall prove the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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.

### **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.

Annex 8 to the Complaint shows registrations of RESPRESSO trademark obtained by the Complainant as early as in 2014. Based on the available record, the Panel finds 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 trademark RESPRESSO is wholly encompassed within the disputed domain name, together with the gTLD ".site".

It is well established that the addition of a gTLD, such as ".site", is typically disregarded when determining whether a domain name is confusingly similar to a complainant's trademark as such is viewed as a standard registration requirement. [WIPO Overview 3.1](#), section 1.11.1. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 3.1](#), 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.

The Complainant has not licensed nor authorized the use of its trademark to the Respondent, and the Panel finds no indication that the Respondent is commonly known by the disputed domain name.

Furthermore, the disputed domain name is linked to a website reproducing the Complainant's RESPRESSO mark and referring coffee products. However, according to the Complainant, the Respondent is not an authorized reseller, nor has it obtained any permission for such reproduction of trademark.

Additionally, although encompassing the Complainant's trademark RESPRESSO in the disputed domain name, such website did not accurately and prominently disclose the Respondent's -lack of- relationship with the trademark holder. Therefore, the Respondent does not pass the "Oki Data test" to characterize a legitimate interest in the disputed domain name (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

Based on the available record, 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.

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.

The Panel concludes that it is not likely that the Respondent was not aware of the Complainant's trademark and that the registration of the disputed domain name was a mere coincidence.

When the disputed domain name was registered (in 2026) the RESPRESSO trademark was already directly connected with the Complainant's coffee products.

Also, the Panel considers that the addition of the gTLD ".site" to the disputed domain name is not sufficient to eliminate the potential for confusion, and may even be interpreted as an allusion to an official RESPRESSO website.

Actually, the content on the website linked to the disputed domain name - including reproductions of the Complainant's trademark and descriptions of similar products - makes clear that the Respondent intentionally attempted to attract the Complainant's customers, for commercial gain, to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website.

Finally, the absence of a formal reply from the Respondent to the Complainant's contentions and of any justification for the use of the Complainant's trademark is further evidence of bad faith in registering and using the disputed domain name in the present case.

## 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 <respresso.site> be transferred to the Complainant.

*/Rodrigo Azevedo/*

**Rodrigo Azevedo**

Sole Panelist

Date: June 4, 2026