

ADMINISTRATIVE PANEL DECISION

Luigi Lavazza S.p.A. v. Ino Hot, INNOVATIVE IDEA d.o.o., Gordana Marjanovic, On Point USA LLC
Case No. D2026-1573

1. The Parties

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

The Respondents are Ino Hot, INNOVATIVE IDEA d.o.o. Croatia, and Gordana Marjanovic, On Point USA LLC, United States of America ("United States").

2. The Domain Names and Registrar

The disputed domain names <flavbrew.com> and <flaviausa.com> are registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 14, 2026. On April 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 15, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 17, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that the disputed domain names are under common control. The Complainant filed an amendment to the Complaint on April 17, 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 Respondents of the Complaint, and the proceedings commenced on April 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 11, 2026. The Respondent Gordana Marjanovic, On Point USA LLC sent email communications to the Center on April 21, 22, and 24, 2026, and on May 12 and 19, 2026.

The Center appointed Manuel Moreno-Torres as the sole panelist in this matter on May 19, 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 dates back in the nineteenth century but it is in 1927 when the company was officially incorporated as a joint stock company.

The Lavazza Group achieved in 2025 revenues of EUR 3.9 billion, with over 5,500 employees worldwide and an extensive distribution network now operates in over 140 countries.

The Complainant is the owner of numerous trademark registrations for the FLAVIA mark, including in the United States Patent and Trademark Office with Trademark Registration No. 1846869, filed on July 27, 1992, and registered on July 26, 1994, and in the European Union Intellectual Property Office with Trade Mark Registration No. 005813639 filed on April 4, 2007 and registered on August 7, 2008.

The disputed domain names <flaviausa.com> and <flavbrew.com> were registered by the Respondents on April 26, 2024, and July 10, 2024, respectively. Both disputed domain names redirected to the “www.flavbrew.com” website displaying the Complainant’s registered trademarks FLAVIA and LAVAZZA, the Complainant’s product visuals, and offering purported FLAVIA machines for sale at very discounted prices.

The Complainant sent a cease-and-desist letter to the shielded email addresses and the hosting provider on March 5, 2026, which was not answered and neither was the resent intent until March 20, 2026.

Upon receiving the Complaint, the disputed domain names stopped redirecting to the “www.flavbrew.com” website and, on April 21, 2026, the Respondent Gordana Marjanovic, On Point USA LLC sent an email to the Center about its intention to sell the disputed domain names, including to the Complainant.

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 names.

Notably, the Complainant contends that the Respondents have failed to meet the conditions set forth in the “Oki Data test” for a reseller to make a bona fide offering of goods or services and, thus, to have a legitimate interest in such domain names¹. Indeed, no disclaimer appears on the corresponding website generating a clear likelihood of confusion amongst Internet users.

The Complainant also alleges that the disputed domain names carry a high risk of implied affiliation with the Complainant and refer to section 2.5.1 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”).

¹ See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

Regarding the third requirement, the Complainant contends that the Respondents knew or should have known of the existence of the Complainant and its trademark being widely publicized in the United States and globally.

Further, the Respondents' purpose in registering and using the disputed domain name was to intentionally attempt to attract Internet users seeking the Complainant's branded products to their own website for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website and the goods offered on said website, according to paragraph 4(b)(iv) of the Policy.

B. Respondents

The Respondents did not formally reply to the Complainant's contentions. The Respondent Gordana Marjanovic, On Point USA LLC sent multiple emails referring to both disputed domain names, raising doubts about the jurisdiction, warning of their intention to take down the website, and offering to sell the disputed domain names to the Complainant.

6. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the disputed domain names are under common control of the same individual or entity. The Complainant requests the consolidation of the Complaint against the two disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview 3.1](#), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names targeted the FLAVIA trademarks, are using the same Registrar, have similar composition pattern, both redirected to the same website "www.flavbrew.com" hosted at one of the disputes domain names, where the email address [...]@flaviausa.com appeared in the contact section.

Moreover, upon receiving the Complaint, the Respondent Gordana Marjanovic, On Point USA LLC replied informally, referring to both disputed domain names collectively and stating that both disputed domain names were for sale.

Concerning fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

7. 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 names. [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 names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. While in the disputed domain name <flaviausa.com> the FLAVIA mark is fully reproduced, in the disputed domain name <flavbrew.com> the Respondent incorporated the dominant portion of the FLAVIA trademark, “flav”, and added a descriptive term for the Complainant’s products, “brew”.

Although the addition of other terms, here “usa” or “brew”, 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 disputed domain names 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.

The Panel notes that none of the circumstances described in paragraph 4(c) of the Policy can be inferred from the file.

Besides, the composition of the disputed domain names cannot constitute fair use if they effectively impersonate or suggest sponsorship or endorsement by the Complainant and thus, the risk of misrepresentation is apparent. See [WIPO Overview 3.1](#), section 2.5.

Further, the Panel has looked at the Oki Data test and the cumulative requirements that apply. As a result, the Respondent’s website did not accurately and prominently disclose the registrant’s relationship (or rather the lack thereof) with the Complainant which strengthens the risk of misrepresentation.

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 notes the composition of the disputed domain names coupled with the Respondent's website look and feel, and its lack of disclaimer strengthen the conclusion that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark in the same terms as depicted in paragraph 4(b)(iv) of the Policy. That is to say, the disputed domain names bait the Internet users into a website which they might think is an official site of the Complainant when this is not the case.

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 also finds that the Respondent knew or should have known about the Complainant and its trademarks due to its reputation and distinctiveness when registering the disputed domain names. This previous knowledge strengthens the conclusion that the registration was in bad faith.

Also, the lack of an explanation for the Respondent's choice of the disputed domain names supports a finding of bad faith registration and use.

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 names <flavbrew.com> and <flaviausa.com> be transferred to the Complainant.

/Manuel Moreno-Torres/

Manuel Moreno-Torres

Sole Panelist

Date: May 29, 2026