

ADMINISTRATIVE PANEL DECISION

Lattafa Perfumes Ind. LLC v. Sandro Martins Cuconato, Sandro Martins Cuconato

Case No. D2026-1943

1. The Parties

The Complainant is Lattafa Perfumes Ind. LLC, United Arab Emirates, represented by Cabinet Bouchara, France.

The Respondent is Sandro Martins Cuconato, Sandro Martins Cuconato, Brazil.

2. The Domain Name and Registrar

The disputed domain name <asadlattafa.com> (the “Disputed Domain Name”) is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 5, 2026. On May 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 6, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 6, 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 May 6, 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 May 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 28, 2026.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on June 3, 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 specializes in authentic Arabic fragrances. According to the Complainant, its LATTAFa brand draws inspiration from the Arabic words 'Latif' and 'Lateefa,' embodying the luxury and elegance of Arabian culture.

The Complainant owns figurative trademarks for the LATTAFa and ASAD LATTAFa mark. The relevant trademark registrations include, inter alia, the European Union Trademark Registration No. 018125528 for  in Classes 3 and 35 registered on February 18, 2020, and the European Union Trademark Registration No. 018973710 for  in Class 3 registered on May 16, 2024 (the "Complainant's Trademark").

The Disputed Domain Name was registered on April 22, 2025, after the Complainant registered the Complainant's Trademark. At the time of the filing of the Complaint, the Disputed Domain Name resolved to a website purportedly displaying the Complainant's Trademark and offering perfumery products for sale (including the Complainant's products). At the time of the rendering of this Decision, the Disputed Domain Name resolved to an inactive website (the "Respondent's Website").

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:

- (a) The Disputed Domain Name is confusingly similar to the Complainant's Trademark. The Disputed Domain Name reproduces the Complainant's Trademark in its entirety. The Disputed Domain Name wholly incorporates the word elements of the Complainant's ASAD LATTAFa and LATTAFa marks.
- (b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. There is no relationship whatsoever between the Complainant and the Respondent and the Complainant has never authorized the Respondent to use the Complainant's Trademark for a domain name. The fact that the Respondent's Website is used to display the Complainant's Trademark and offer for sale the Complainant's unofficial products constitute an attempt to mislead and divert Internet users to the Respondent's Website for commercial gain.
- (c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. Given the well-established reputation of the Complainant's Trademark, the Respondent must have been fully aware of the existence of the Complainant's Trademark when the Respondent registered and used the Disputed Domain Name. The Respondent passed itself off as the Complainant with an aim to create a likelihood of confusion with the Complainant's Trademark. The Respondent also attempted to divert business away from the Complainant for the Respondent's own commercial gain by displaying the Complainant's Trademark and the Complainant's photographs on the Respondent's Website, and offering to sell Complainant's products at a low price to create a false association between the Respondent's Website and the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of 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 by the Respondent 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.

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 each of the Complainant's Trademarks (ASAD LATTAFa and LATTAFa) is reproduced within the Disputed Domain Name. Furthermore, the generic Top-Level Domain in this case ".com" may be disregarded for the purposes of assessing confusing similarity under the first element. Accordingly, the Disputed Domain Name is identical to the Complainant's ASAD LATTAFa mark, and is confusingly similar to the Complainant's LATTAFa 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 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.

In the present case, the Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favor of the Complainant. However, the Respondent's failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

The Panel notes that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further notes that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant's Trademark or to apply for or use any domain name

incorporating the Complainant's Trademark.

There is also no evidence to suggest that the Respondent's use of the Disputed Domain Name is in connection with a bona fide offering of goods or services or can be regarded as legitimate noncommercial or fair use. Before becoming inactive, the Respondent's Website purportedly featured the Complainant's Trademark and the Complainant's photographs showing the Complainant's products, and offered various perfumery products, including allegedly the Complainant's products. The Panel notes that the Respondent's Website attempted to divert business away from the Complainant while capitalizing on the goodwill associated with the Complainant's Trademark.

Furthermore, the composition of the Disputed Domain Name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.1](#), section 2.5.1. The Respondent would likely not have adopted the Complainant's Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from, the Complainant, especially when the Disputed Domain Name reproduces the Complainant's Trademark in its entirety and the Respondent purportedly offered to sell the Complainant's LATTIFA branded products on the Respondent's Website. Based on the Complainant's record, the Panel notes the Respondent's Website also purportedly offered similar perfumery products for sale under other brands, and there was no disclaimer clarifying the lack of relationship between the Respondent and the Complainant. Such use cannot constitute fair use under the *Oki Data* test (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) and [WIPO Overview 3.1](#), section 2.8).

Panels have held that the use of a domain name for illegitimate activity, claimed passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 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 that it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated Respondent that would amount to good faith use, given that the Disputed Domain Name incorporates the Complainant's Trademark in its entirety and the Respondent's Website had purportedly featured the Complainant's Trademark and offered perfumery products for sale which is directly related to the Complainant's business. The Respondent has registered and used the Disputed Domain Name to mislead and divert Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of any actual or contemplated good faith use of the Disputed Domain Name.

Panels have previously held that a finding of bad faith can be established where a complainant's trademark is shown to be well known or in wide use at the time of registration of the disputed domain name (see *LEGO Juris A/S v. store24hour*, WIPO Case No. [D2013-0091](#)). The Respondent must have been aware of the Complainant and the Complainant's Trademark when registering and using the Disputed Domain Name given the well-known nature of the Complainant's Trademark in its industry and the fact that it was put into use well before the Respondent registered the Disputed Domain Name. Moreover, the Disputed Domain

Name incorporated the Complainant's Trademark in its entirety, and the Respondent's Website featured the Complainant's Trademark and products. Panels have held that the use of a domain name for illegitimate activity here, claimed passing off constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

The Panel notes that at the time of rendering this Decision, the Disputed Domain Name resolved to an inactive website. Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's Trademark, and the composition of the Disputed Domain Name, and finds that in the circumstances of this case the current passive holding of the Disputed Domain Name does not prevent a finding of 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 <asadlatafa.com> be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: June 18, 2026