

ADMINISTRATIVE PANEL DECISION

Caffè Borbone S.r.l v. Nagi Seihiro
Case No. D2026-2297

1. The Parties

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

The Respondent is Nagi Seihiro, Cambodia.

2. The Domain Name and Registrar

The disputed domain name <cafeborbonepanama.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 28, 2026. On May 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 28, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 29, 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 amendment to the Complaint on May 29, 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 Respondent of the Complaint, and the proceedings commenced on June 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 30, 2026.

The Center appointed Torsten Bettinger as the sole panelist in this matter on July 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 is an Italian company active in the coffee sector. It was founded in Naples, Italy, in 1996 and produces and distributes coffee products, including capsules, coffee beans, and ground coffee. The Complainant markets its products in Italy and internationally under the marks CAFFÈ BORBONE and BORBONE.

The Complainant owns numerous trademark registrations for CAFFÈ BORBONE and BORBONE, including:

- Italian Trademark Registration No. 362019000144424 for a CAFFÈ BORBONE figurative mark, originally filed on January 19, 2000 and registered on June 9, 2003;
- European Union Trade Mark Registration No. 015670532 for a BORBONE figurative mark, filed on July 18, 2016 and registered on November 23, 2016;
- European Union Trade Mark Registration No. 015670541 for a CAFFÈ BORBONE figurative mark, filed on July 18, 2016 and registered on November 23, 2016;
- United States Trademark Registration No. 4356426 for a CAFFÈ BORBONE figurative mark, filed on April 12, 2012 and registered on June 25, 2013; and
- International Trademark Registration No. 902614 for a CAFFÈ BORBONE figurative mark, registered on January 11, 2006.

The Complainant also owns and uses domain names incorporating its trademarks, including <caffeborbone.com> and <caffeborbone.it>.

The disputed domain name was registered on February 4, 2011.

The evidence submitted by the Complainant shows that the disputed domain name resolves, or redirects Internet users, to a website promoting online betting and gambling services. The website is unrelated to the Complainant and its coffee business.

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.

With regard to paragraph 4(a)(i) of the Policy, the Complainant submits that

- the disputed domain name is confusingly similar to its CAFFÈ BORBONE and BORBONE trademarks;
- the disputed domain name reproduces the words "cafe borbone", differing from CAFFÈ BORBONE only by the omission of one letter "f" and the accent, and adds the geographical term "panama";
- these differences do not prevent the marks from being clearly recognizable within the disputed domain name and that the generic Top-Level Domain ("gTLD") ".com" should be disregarded.

With regard to paragraph 4(a)(ii) of the Policy, the Complainant submits that the Respondent

- has no relationship with the Complainant and has never been authorized, licensed, or otherwise permitted to use the Complainant's trademarks or to register the disputed domain name;
- the Respondent is not commonly known by the disputed domain name, and there is no evidence of any bona fide offering of goods or services or legitimate noncommercial or fair use. Instead, the disputed domain name is used to divert Internet users to gambling-related content.

With regard to paragraph 4(a)(iii) of the Policy, the Complainant contends that

- the Respondent registered the disputed domain name with knowledge of the Complainant and its trademarks and uses it intentionally to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's marks;
- the Complainant also relies on the Respondent's use of a privacy service and the unrelated gambling content as further evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy states that the Complainant must 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 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 established registered trademark rights for the purposes of the Policy. The trademark registrations relied upon by the Complainant are figurative marks containing the textual elements "CAFFÈ BORBONE" and/or "BORBONE".

Where a trademark contains both textual and design elements, the assessment under the first element of the Policy generally focuses on the textual components capable of being represented in a domain name. The design elements are normally disregarded where the textual element remains clearly recognizable. [WIPO Overview 3.1](#), section 1.10.

In the present case, the textual elements "CAFFÈ BORBONE" and "BORBONE" are clearly recognizable components of the Complainant's figurative marks.

The disputed domain name contains the terms “cafe” and “borbone”, followed by the geographical term “panama”. The omission of one letter “f” and the accent from “caffè” does not prevent the textual element “CAFFÈ BORBONE” from being recognizable within the disputed domain name. The textual element “BORBONE” is reproduced in its entirety.

The addition of the geographical term “panama” does not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), section 1.8. The “.com” fgTLD is a standard registration requirement and is disregarded in the comparison.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s figurative trademarks containing the textual elements “CAFFÈ BORBONE” and “BORBONE”.

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 may result in the difficult task of proving a negative. Where a complainant makes out a prima facie case, the burden of production shifts to the respondent to come forward with relevant evidence, although the burden of proof 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 Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its CAFFÈ BORBONE or BORBONE trademarks. There is no evidence that the Respondent is affiliated with the Complainant or has been commonly known by the disputed domain name.

The disputed domain name is used to direct Internet users to online betting and gambling-related content that is unrelated to the Complainant’s business. Such use trades on the recognition of the Complainant’s marks and does not constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy. Nor is there any evidence of legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy. The use appears commercial and is intended to divert Internet users.

The Respondent has not submitted any response and has not come forward with any evidence of rights or legitimate interests in the disputed domain name. As such, it has not rebutted the Complainant’s prima facie showing.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out circumstances, in particular but without limitation, that shall be evidence of the registration and use of a domain name in bad faith.

The disputed domain name was registered on February 4, 2011. The Complainant’s evidence shows that its CAFFÈ BORBONE mark had been registered and used before that date, including through an Italian registration dating from 2003 and an International Registration dating from 2006.

The disputed domain name reproduces the distinctive combination “cafe borbone” and merely adds the geographical term “panama”. In view of the distinctive character of the Complainant’s marks and the deliberate composition of the disputed domain name, the Panel finds it more likely than not that the Respondent was aware of the Complainant and its trademarks when registering the disputed domain name.

The disputed domain name is used to redirect or attract Internet users to gambling-related webpages. The use of a domain name confusingly similar to the Complainant's marks to divert Internet users to unrelated commercial content constitutes an intentional attempt to attract Internet users for commercial gain by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement within the meaning of paragraph 4(b)(iv) of the Policy.

The Respondent's use of a privacy service and failure to participate in the proceeding further support the Panel's conclusion in the circumstances of this case.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) 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 <cafeborbonepanama.com> be transferred to the Complainant.

/Torsten Bettinger/

Torsten Bettinger

Sole Panelist

Date: July 17, 2026