

ADMINISTRATIVE PANEL DECISION

Emidio Pacini v. Massimo Comes, EGNAZIA OSPITALITA' ITALIANA SRL
Case No. D2026-2598

1. The Parties

The Complainant is Emidio Pacini, Italy, represented by C3PI SRL, Italy.

The Respondent is Massimo Comes, EGNAZIA OSPITALITA' ITALIANA SRL, Italy, represented by Barzanò & Zanardo Milano SpA, Italy.

2. The Domain Name and Registrar

The disputed domain name <cigahotels.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 June 15, 2026. On June 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 18, 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 June 18, 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 June 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 14, 2026. The Response was filed with the Center on July 15, 2026.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on July 29, 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 in this administrative proceeding is Emidio Pacini.

The Complainant is **the owner** of the following trademark registrations:

Italian trademark registration n. 302022000020951 for “CIGA HOTELS” (word mark), registered on October 6, 2022, for services in class 43, in particular “hotel services”;

Italian trademark registration n. 302025000140548 for “CIGA HOTELS” (device mark), registered on January 8, 2026, for services in class 43, in particular “hotel services”;

European Union trademark registration n. 019302378 for “CIGA HOTELS” (device mark), and registered on May 6, 2026, for services in class 43, in particular “hotels services”.

The disputed domain name was registered on March 9, 2024, and resolves to an auto generated landing page provided by the Registrar.

The Respondent in this proceeding is Massimo Comes, EGNAZIA OSPITALITA' ITALIANA SRL, a hotel management group.

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 disputed domain name is identical to its registered trademarks and thus identical with the Complainant's trademarks; that the Respondent's use of the disputed domain name for an auto generate landing page provided by the Registrar does not give rise to rights or legitimate interests; and that bad faith registration and use should be found, as the Respondent registered the disputed domain name and used the Complainant's CIGA HOTELS trademark while being aware of the Complainant's trademark rights, with the intent to take advantage of and capitalize on the Complainant's trademark.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that it has rights and legitimate interests in the registration of the disputed domain name. The Respondent asserts and documents that CIGA is the acronym of a historical Italian company active in the hotel sector. CIGA stands for Compagnia Italiana Grandi Alberghi (in English, Italian Grand Hotels Company). CIGA was founded in Venice in 1906 and was one of the world's leading groups operating in the high-end hotel and luxury hospitality sectors. The CIGA company and the CIGA trademarks were purchased by the American Sheraton company in 1995. Currently, the CIGA trademarks are owned by Starwood Italia S.r.l., which over the years has apparently ceased all use of the CIGA trademark. The Respondent then affirms that it has registered the disputed domain name for the purpose of referring to CIGA as a historical institution in the field of hotel services.

The Respondent further affirms that it had no intention of diverting customers of the Complainant or tarnishing the trademark at issue simply because, at the registration date and also at present, the Complainant has never used the CIGA trademark.

The Respondent asserts that there is no evidence, and indeed the Complainant has not submitted any evidence that the Complainant is currently using or planning to use the CIGA trademark in the hotel sector.

Therefore, the Respondent could not have been aware of the existence of the Complainant's trademark at the time they registered the disputed domain name.

The Respondent registered the disputed domain name in order to refer to the historical institution founded in Venice in 1906, named Compagnia Italiana Grandi Alberghi.

Contrary to the Complainant's allegations, the CIGA sign is in fact used in the hotel industry, as shown in the Google search for CIGA attached to the Response, where none of the results refer to the Complainant or to the Pacini Group.

There is no evidence that the Respondent has attracted Internet users for commercial gain since, to date, the disputed domain name has not been actively used. Moreover, as said above the Complainant is not running a business with the CIGA trademark; thus, there can be no disruption of the Complainant's business because there is no business to disrupt.

For the same reasons there is no risk of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location, or of a product or service on the Respondent's website or location.

6. Procedural issue – Late filing of the Response

The Respondent, affirming it had had an internal problem with their email service provider, asked the Center to accept its response, which was filed one day after the indicated deadline for same.

According to the Rules (i.e. 5 (b) The Respondent may expressly request an additional four (4) calendar days in which to respond to the complaint, and the Provider shall automatically grant the extension and notify the Parties thereof. This extension does not preclude any additional extensions that may be given further to 5(d) of the Rules the Respondent is entitled to ask for a four day extension to file its response.

The Respondent did not ask for an additional four days but simply filed the Response one day after the term indicated, owing to a technical problem.

Having considered the above and in the interest of fairness the Panel accepts the Response.

6.1 Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (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.

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 CIGA HOTELS mark is incorporated entirely and recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar 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 claims to have registered the disputed domain name in order to refer to the historical institution founded in Venice in 1906, called Compagnia Italiana Grandi Alberghi. The Respondent also affirms that to date, the disputed domain name is not actively used. In fact, it appears that the disputed domain name resolves to an auto-generated landing page provided by the GoDaddy. The Panel considers that the foregoing does not constitute sufficient evidence to demonstrate 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 evidence in the case file as presented does not indicate that the Respondent’s aim in registering the disputed domain name was to profit from or exploit the Complainant’s trademark.

There is no direct evidence of targeting. The Respondent has not done anything overtly targeting the Complainant, and all the evidence indicating targeting is circumstantial.

In fact, there is no evidence showing that the Complainant has used the CIGA HOTELS trademark in business, or that at the time of the registration of the disputed domain name the Complainant was known by this name and/or to have trademark rights in the CIGA HOTELS trademark. There is also no evidence that the Respondent, at the time it registered the disputed domain name, was aware of the Complainant’s rights to the CIGA HOTELS trademark.

The Respondent has shown that the CIGA acronym was used in the hotel business for many decades and has affirmed that it registered the disputed domain name in order to refer to the historical institution founded in Venice in 1906, called Compagnia Italiana Grandi Alberghi. The Respondent has also shown that the CIGA HOTELS trademarks first registered by Compagnia Italiana Grandi Alberghi were then acquired, first by Sheraton and later by Starwood Italia S.r.l., which according to the Respondent has now stopped using these trademarks.

The Panel's independent search of the databases for "ciga hotels" confirmed the existence of numerous trademarks consisting of CIGA HOTELS (some with stylization and/or a device) registered in various classes and jurisdictions and owned by different owners, namely, CIGA International Management B.V., CIGA HOTELS S.P.A., COMPAGNIA ITALIANA GRANDI ALBERGHI SOCIETA PER AZIONI, and Starwood Italia S.R.L. (apparently all connected to one another). These registrations go back to the seventies.

The Panel further notes that two of the Complainant's device trademarks (registered two years after the registration of the disputed domain name) are identical to one of the prior trademarks registered by Starwood Italia S.r.l. However, from the evidence submitted by the Parties, no relationship emerges between the Complainant and Starwood Italia S.r.l., and/or the previous owners of the CIGA HOTELS trademarks.

Therefore, on the balance of probabilities, it appears that the registration of the disputed domain name was not done to target the Complainant, but was inspired by the Compagnia Italiana Grandi Alberghi and its trademarks later acquired by Starwood and now apparently ceased – while this may in a way be opportunistic, the Panel finds that the Complainant has not demonstrated that the Respondent registered the disputed domain name in bad faith targeting the Complainant or its trademark rights.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: August 11, 2026