ADMINISTRATIVE PANEL DECISION

FESTINA LOTUS, S.A. v. reatw reatw
Case No. D2026-2675

1. The Parties

The Complainant is FESTINA LOTUS, S.A., Spain, represented by Herrero & Asociados S.L., Spain.

The Respondent is reatw reatw, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <festinawatch.com> is registered with TuringSign Inc. d/b/a Cosmotown (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 19, 2026. On June 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 20, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 23, 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 30, 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 July 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 24, 2026.

The Center appointed Erick Iriarte as the sole panelist in this matter on August 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 Festina Lotus S.A., a Spanish company belonging to the Festina Group, which is engaged in the design, manufacture, sale, and distribution of watches. Founded in 1984 by Miguel Rodríguez, the entrepreneur and owner of the Spanish brand LOTUS, who acquired the FESTINA brand (founded in Switzerland in 1902), thereby forming the Festina Lotus group. Currently, the Festina Group encompasses five watch brands: Festina, Lotus, Jaguar, Candino, and Calypso, and two jewelry brands: Lotus Style and Lotus Silver.

The Complainant is the owner of several FESTINA trademarks (Annexes III and IV to the Complaint), all registered before the registration of the disputed domain name (March 27, 2026).

- European Union Trade Mark 009969965, FESTINA, registered on October 19, 2011;

- European Union Trade Mark 005467923, FESTINA 9, registered on November 5, 2007;

- European Union Trade Mark 004806998, FESTINA GROUP, registered on May 14, 2007; and

- European Union Trade Mark 000204412, FESTINA FESTINA, registered on November 30, 1998.

Also including trademark FESTINA registered in Morocco, Türkiye, Argentina, India, Uruguay, Malaysia, Brazil, Australia, Greece, Colombia, Iceland, Spain, Chile, Jordan, Philippines, Mexico, United Kingdom (the), Israel, Ireland, Estonia, Denmark, Costa Rica, Tunisia, Republic of Korea (the), African Intellectual Property Organization (OAPI), Ukraine, Norway, Switzerland, Finland, Paraguay, United States, New Zealand, Cambodia, Thailand, Zambia, China, Japan, Cyprus, Dominican Republic (the) and Italy.

The official websites of the Complainant are "www.festina.es" and "www.festina.com".

The disputed domain name was registered on March 27, 2026, and at the moment of filing of the Complaint, it resolved to a website that appeared to impersonate the Complainant and offered products at heavily discounted prices.

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 encompasses the entirety of the Complainant's FESTINA trademark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the disputed domain name was registered and used in bad faith.

B. Respondent

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

6. 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 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 the mark is reproduced 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.

Although the addition of other terms, here, "watch", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name 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.

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.

Panels have held that the use of a domain name for illegitimate activity, here, impersonation and, as claimed, the potential sales of counterfeit goods or (unlicensed), can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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 the Respondent uses the disputed domain name to create a website similar to the Complainant's (Annex VII to the Complaint), thereby impersonating the Complainant and featuring the same goods as those offered by the Complainant, but at much lower prices—which, the Complainant argues, could imply that the goods are counterfeits.

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.

Panels have held that the use of a domain name for illegitimate activity, here, impersonation and, as claimed, the potential sales of counterfeit goods or (unlicensed) constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <festinawatch.com> be transferred to the Complainant.

/Erick Iriarte/
Erick Iriarte
Sole Panelist
Date: August 17, 2026