ADMINISTRATIVE PANEL DECISION

Mario Valentino S.p.A. v. Austin Ward
Case No. D2026-2975

1. The Parties

The Complainant is Mario Valentino S.p.A., Italy, represented by Società Italiana Brevetti S.p.A., Italy.

The Respondent is Austin Ward, United States of America.

2. The Domain Name and Registrar

The disputed domain name <shopmariovalentino.shop> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 3, 2026. On July 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 8, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 July 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 6, 2026.

The Center appointed Estela Mariel de Luca as the sole panelist in this matter on August 7, 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 founded in Naples, Italy, in 1952 by Mario Valentino. It is engaged in the production and trade of footwear, leather goods and clothing accessories. The Complainant has a presence in Europe, North America, Japan, and Asia, where it operates exclusive boutiques.

The Complainant is the owner of various trademark registrations for MARIO VALENTINO, including:

- European Union Trademark Registration No. 000096719, registered on August 11, 1999, in International Classes 18 and 25;

- International Trademark Registration No. 505619, registered on September 29, 1986, in International Classes 8, 14, 16, 18, 20, 21, 24 and 34, designating the following jurisdictions: Armenia, Austria, Azerbaijan, Belarus, Benelux, Bosnia and Herzegovina, China, Croatia, Czech Republic, France, Germany, Hungary, Kazakhstan, Kenya, Liechtenstein, Monaco, Morocco, Portugal, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United States of America, and Viet Nam.

The Complainant owns the domain name <mariovalentino.com>, registered on October 2, 1998, and <mariovalentino.us>, registered on June 8, 2017, among others.

The disputed domain name was registered on April 18, 2026. The Complaint includes screenshots showing that the website associated with the disputed domain name displays the Complainant's MARIO VALENTINO trademark and MV logo, as well as images of products identical to those featured on the Complainant's official 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 the disputed domain name wholly incorporates the MARIO VALENTINO trademark, company name, and domain names, and that the addition of the term "shop" is purely descriptive and reinforces the association with the Complainant, as Internet users would naturally understand the disputed domain name to refer to an online shop offering the Complainant's MARIO VALENTINO goods.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name, as the Respondent: (i) owns no trademark registrations or applications for the term "MARIO VALENTINO" and has not been commonly known by the disputed domain name; (ii) has not been authorized or licensed by the Complainant to register or use the disputed domain name or the MARIO VALENTINO trademark; and (iii) is not making a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. Rather, the Respondent is using the disputed domain name to impersonate the Complainant, misleading consumers as to the source, sponsorship, affiliation, or endorsement of the website and falsely suggesting an association with the Complainant.

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. Specifically, the Complainant alleges that the MARIO VALENTINO trademark was already well established when the disputed domain name was registered on April 18, 2026, and that the Respondent therefore knew, or could not reasonably have been unaware, of the Complainant's trademark rights.

The Complainant further contends that the website associated with the disputed domain name refers to the Complainant's history and business and purports to offer its products for sale, indicating that the Respondent sought to impersonate the Complainant for commercial gain. The Complainant also notes that there is no connection between the Respondent and the Complainant, its well-known MARIO VALENTINO trademark, company name, or domain names, and that MARIO VALENTINO is not a common or descriptive term, but a trademark in which the Complainant has established rights.

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 carries the burden of proving:

(i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
(ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name;
(iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a Response as it considers appropriate.

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 Complainant's MARIO VALENTINO trademark is reproduced in the disputed domain name, with the addition of the prefix "shop". The Panel finds that the MARIO VALENTINO trademark is recognizable within the disputed domain name and that the addition of the prefix "shop" does not prevent a finding of confusing similarity. WIPO Overview 3.1, sections 1.7 and 1.8. The generic Top-Level Domain ("gTLD") ".shop" is disregarded for the purposes of assessing confusing similarity.

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.

There is no evidence that the Respondent has been commonly known by the disputed domain name, nor that the Respondent is affiliated with the Complainant or has been authorized or licensed to use the MARIO VALENTINO trademark or to register any domain name incorporating such mark. Furthermore, there is no evidence that it has used the disputed domain name in connection with a bona fide offering of goods or services, or that it has made a legitimate noncommercial or fair use of the disputed domain name. 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.

Panels have held that the use of a domain name for illegal activity, including impersonation or other fraudulent conduct, can never confer rights or legitimate interests on a respondent (see 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.

The evidence demonstrates that the Complainant's rights in the MARIO VALENTINO trademark, corporate name and domain names including such trademark, predate the registration of the disputed domain name. The Panel further notes that the disputed domain name wholly incorporates the Complainant's MARIO VALENTINO trademark together with the term "shop", thereby reinforcing the impression that the disputed domain name is associated with the Complainant.

The mere registration of a domain name that is confusingly similar to a well-known trademark by an unaffiliated party may, in itself, create a presumption of bad faith (see WIPO Overview 3.1, section 3.1.4).

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, claimed impersonation 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.

In the present case, the Complaint includes screenshots showing a website associated with the disputed domain name displaying the Complainant's MARIO VALENTINO trademark and logo, with a layout identical to that of the Complainant's official website and offering for sale products that are identical or similar to the Complainant's products. The website thereby creates the false impression that it is operated by, affiliated with, or authorized by the Complainant. In the absence of any contrary explanation or evidence, and noting that no other plausible conclusion appears from the record, the Panel accepts such evidence for purposes of this proceeding.

In the circumstances of this case, the Respondent's use of the disputed domain name is intended to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website. The Panel accordingly finds bad faith registration and use under paragraph 4(b)(iv) of the Policy and WIPO Overview 3.1, sections 3.1.4 and 3.2.1.

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 <shopmariovalentino.shop> be transferred to the Complainant.

/Estela Mariel de Luca/
Estela Mariel de Luca
Sole Panelist
Date: August 21, 2026