

ADMINISTRATIVE PANEL DECISION

SAVE THE DUCK S.p.a. v. Yvette S Crete

Case No. D2026-3276

1. The Parties

The Complainant is SAVE THE DUCK S.p.a., Italy, represented by Studio Legale de Vietro, Italy.

The Respondent is Yvette S Crete, Germany.

2. The Domain Name and Registrar

The disputed domain name <savetheduck-canada.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 24, 2026. On July 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 25, 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 (Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 5, 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 August 17, 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 August 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 18, 2026.

The Center appointed Zoltán Takács as the sole panelist in this matter on September 22, 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 proceeding is a Milan (Italy) headquartered company active in the field of production and marketing of clothing and various accessories.

The Complainant is the owner of among others the International Trademark Registration No. 1141758 for the figurative mark SAVE THE DUCK registered on November 12, 2012; and the European Union Trademark Registration No. 015154181 for the figurative mark SAVE THE DUCK registered on July 6, 2016.

The Complainant markets its products through a number of single-brand stores located throughout the world, and at its official website “www.savetheduck.com”. The corresponding domain name <savetheduck.com> was registered on June 20, 2009.

The disputed domain name was registered on September 30, 2025, and has been resolving to a website that prominently displays the Complainant’s signature figurative mark and imagery and purports to offer for sale products marketed by the Complainant.

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 which incorporates the entirety of its mark with the addition of a hyphen and the term “Canada” is confusingly similar to the mark;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy; and
- the incorporation of the Complainant’s mark into the disputed domain name; the use of the Complainant’s figurative mark and imagery on the website at the disputed domain name and purported sale of products identical to those of the Complainant are indications that the Respondent deliberately targeted the Complainant and its mark through registration and use of the disputed domain name.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

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

6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

- (i) the 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 domain name; and
- (iii) the 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 Complainant's mark is reproduced and recognizable in the disputed domain name. Although the addition of a hyphen and the term "Canada" may bear on assessment of the second and third elements, the Panel finds that such addition 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](#), sections 1.7 and 1.8.

The Panel finds that 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 relationship with or permission from the Complainant for the Respondent's use of its mark, in a domain name or otherwise. There is no evidence that the Respondent has been commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

According to the evidence submitted by the Complainant, the Respondent has been using the disputed domain name to deceive Internet users looking for the Complainant through redirecting them to its own website that prominently displays the Complainant's signature figurative mark and imagery and purports to offer for sale products identical to those marketed by the Complainant, and according to the Panel's research at the time of this decision¹, identified by the Respondent as "100% authentic, guaranteed Save The Duck merchandise".

Such use of the disputed domain name is not legitimate since it is misleading as to the source or sponsorship, and for commercial gain. [WIPO Overview 3.1](#), section 2.5.3.

The Panel also notes that there is no evidence as to whether the goods offered for sale through the Respondent's website at the disputed domain name are "genuine", or whether any of those goods ultimately existed or exist. Consequently, even if the products purportedly offered for sale at the Respondent's website under the disputed domain name would have existed or were genuine, the Respondent's website would still not qualify as fair use, as the website does not accurately and prominently disclose its relationship (or lack thereof) with the Complainant. [WIPO Overview 3.1](#), sections 2.13.2 and 2.8.1, and *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

The Panel is also of the view that the misleading nature of the disputed domain name, namely incorporating the Complainant's mark and a geographic term "Canada" carries risk of implied affiliation, reflecting the Respondent's ultimate intent to mislead Internet users. [WIPO Overview 3.1](#), section 2.5.1.

The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and that 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 Complainant's mark predates the date of registration of the disputed domain name.

The website at the disputed domain name which displays the Complainant's signature figurative mark and imagery claims to be offering for sale "100% authentic, guaranteed Save The Duck merchandise".

Thus, in view of the Panel it is clear that the Respondent had actual knowledge of the Complainant and its mark and has registered and is using the disputed domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark. Paragraph 4(b)(iv) of the Policy.

The Respondent's intent to target the Complainant and its mark can be readily inferred from the contents of the Respondent's website and the disputed domain name's composition, seeking to direct Internet traffic to its website in order to gain illegitimate profit through false association. Visitors of the Respondent's website might reasonably believe that it is connected to or approved by the Complainant as it appears to offer products under the Complainant's mark and imagery and gives the impression that the site attached to the disputed domain name is official, while that is clearly not the case.

The Panel finds that the Complainant has established the third element of the Policy.

¹ Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, panels may undertake limited factual research into matters of public record if they would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.1](#), section 4.

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 <savetheduck-canada.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: September 28, 2026