

ADMINISTRATIVE PANEL DECISION

Slowear S.p.A. v. Nanci Nette
Case No. D2026-3450

1. The Parties

The Complainant is Slowear S.p.A., Italy, represented by LCA Studio Legale, Italy.

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

2. The Domain Name and Registrar

The disputed domain name <theincotex.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 4, 2026. On August 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 5, 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 (The RDAP server redacted the value, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same date, 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 Complaints on August 10, 2026, and August 13, 2026, respectively.

The Center verified that the Complaint together with the amended Complaints 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 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 9, 2026.

The Center appointed Mladen Vukmir as the sole panelist in this matter on September 11, 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 that owns and operates the INCOTEX brand, part of the Slowear group, specialized since 1951 in premium tailored trousers and clothing sold worldwide through the Complainant's own retail stores, its e-commerce website at "www.slowear.com", and authorized multi-brand retailers.

The Complainant is the owner of registered trademarks for INCOTEX, including International Registration No. 772295 for the stylized mark INCOTEX, registered on November 15, 2001, in classes 18 and 25, and International Registration No. 1616863, registered on July 22, 2021, for a figurative INCOTEX mark in class 25, both recorded in the International Register under the Madrid System and designating numerous jurisdictions, including Republic of Korea, the European Union, Japan, and others, as well as United States Registration No. 2635228 for the mark INCOTEX, registered on October 15, 2002, in class 25, (the "INCOTEX trademark").

The Complainant also owns several domain names incorporating the INCOTEX mark, including <incotex.it>, created in 1997, <incotex.us>, <incotex.net.cn>, and <incotex.kr>, and, according to the Complaint, <incotexbluedivision.com>, and maintains an official Instagram account (@incotexofficial) with approximately 30,000 followers.

The disputed domain name was created on June 12, 2025. According to the Complaint, it resolved to an Italian-language website purportedly offering INCOTEX-branded products, using unauthorized imagery and content from the Complainant's official channels; however, the checkout was non-functional and the contact details did not correspond to any genuine INCOTEX business. A May 25, 2026 screenshot showed INCOTEX trousers still purportedly offered for sale. At the time of filing the Complaint, the website was reportedly inactive. An August 9, 2026 screenshot submitted with the amended Complaint showed the disputed domain name resolving to a pay-per-click parking page with unrelated links, including "HOMES FOR SALE", "RENT APARTMENT HOMES", and "BOOK AIRLINE TICKETS".

On the date of this Decision, the Panel visited the disputed domain name (WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.8) and was unable to view any active content, as the attempted access was blocked by a notice indicating that access to the website was restricted.

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:

- (i) it is the owner of registered INCOTEX trademarks that significantly predate the registration of the disputed domain name, and that INCOTEX is a well-known Italian fashion brand with worldwide retail presence, extensive press coverage, and endorsements by fashion influencers;
- (ii) the disputed domain name is confusingly similar to the INCOTEX trademark, as it incorporates the mark in its entirety with the mere addition of the generic definite article "the", which does not prevent a finding of confusing similarity, and the generic Top-Level Domain ".com" is to be disregarded under the first element;
- (iii) the Respondent has no rights or legitimate interests in the disputed domain name, as the Complainant has never authorized the Respondent to use the INCOTEX mark, the Respondent is not commonly known by the disputed domain name, and the Respondent used the disputed domain name to operate a website impersonating the Complainant, displaying copied proprietary content and images, and purporting to sell

INCOTEX products that could not in fact be purchased, which the Complainant submits constitutes illegitimate and fraudulent use incapable of conferring rights or legitimate interests; and

(iv) the disputed domain name was registered and is being used in bad faith, given that the Respondent registered the disputed domain name with knowledge of the Complainant's rights, used it to impersonate the Complainant and attract Internet users for commercial gain by creating a likelihood of confusion under paragraph 4(b)(iv) of the Policy, operated what the Complainant describes as a fraudulent, non-functioning commercial website, used a privacy service to conceal its identity, continued the infringing use after receiving a DMCA notice sent to the Registrar on March 30, 2026, and thereafter passively held the disputed domain name following its renewal.

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 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 mark is 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 disputed domain name incorporates the INCOTEX mark in its entirety, together with the addition of the definite article "the". Although the addition of other terms may bear on assessment of the second and third elements, the Panel finds the addition of the 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 generic Top-Level Domain ".com" is disregarded for purposes of the confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

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 Complainant has not authorized the Respondent to use the INCOTEX mark, there is no evidence that the Respondent is commonly known by the disputed domain name, and the Respondent has not rebutted the Complainant's prima facie showing or come forward with any relevant evidence demonstrating rights or legitimate interests such as those enumerated in the Policy or otherwise.

The record indicates that the disputed domain name resolved to a website in Italian that reproduced the Complainant's brand name and, according to the record, used images and content copied without authorization from the Complainant's official social media channels and press coverage, while purporting to offer INCOTEX-branded products that could not in fact be purchased. Such use, impersonating the Complainant and its brand, is not a bona fide offering of goods or services, nor a legitimate noncommercial or fair use. Panels have held that the use of a domain name for illegitimate activity, such as passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Moreover, the disputed domain name consists of the Complainant's INCOTEX mark preceded only by the definite article "the". Such composition suggests that the disputed domain name, and the website to which it resolves, is the official online presence of the Complainant's INCOTEX brand, and therefore carries a risk of implied affiliation which cannot constitute fair use. [WIPO Overview 3.1](#), section 2.5.1.

Even if the products offered on the website had been genuine INCOTEX products, which the record does not establish, the Respondent would not meet the requirements for a bona fide offering of goods by a reseller or distributor, since the website did not accurately and prominently disclose the Respondent's lack of relationship with the Complainant but, to the contrary, presented itself as an INCOTEX outlet using the Complainant's own images. [WIPO Overview 3.1](#), section 2.8.1.

Nor, in the circumstances of this case, can the subsequent use of the disputed domain name for a parking page displaying links unrelated to the Complainant confer rights or legitimate interests on the Respondent. [WIPO Overview 3.1](#), section 2.9.

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 disputed domain name was created on June 12, 2025. By that date, the Complainant's INCOTEX trademark had been registered for more than two decades, including in the United States, where the Respondent is located according to the information disclosed by the Registrar, and had long been used for the Complainant's trousers and clothing. The disputed domain name reproduces that mark preceded only by the definite article "the", and it was used for a website in Italian, the language of the Complainant's home market, which displayed the INCOTEX mark, offered INCOTEX-branded trousers, and reproduced images published by the Complainant and in press coverage of the Complainant's INCOTEX products. In these circumstances, the Panel is satisfied that the Respondent was aware of the Complainant and its mark when registering the disputed domain name and registered it in order to target the Complainant. [WIPO Overview 3.1](#), sections 3.1.4, 3.2.1, and 3.2.2.

The Panel further notes that, as described above, the disputed domain name was used for a website reproducing the INCOTEX mark and content appearing to have been taken from the Complainant's official channels, and purporting to offer INCOTEX-branded products. The contact details displayed did not appear to correspond to a genuine INCOTEX business. In the circumstances, the Panel considers that the manner in which the disputed domain name was used was capable of creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website, and finds that the circumstances fall within paragraph 4(b)(iv) of the Policy. Panels have also held that the use of a domain

name for per se illegitimate activity, such as passing off, is manifestly considered evidence of bad faith. See [WIPO Overview 3.1](#), section 3.1.4.

The Panel further notes that, although the DMCA notice of March 30, 2026, was addressed to the Registrar rather than to the Respondent, and the record does not show whether it was forwarded to the Respondent, the website was still offering INCOTEX-branded products on May 25, 2026. The contact details displayed on the website appear to be false or inaccurate, are inconsistent with the registrant information disclosed by the Registrar, and the Center's email to the address displayed on the website could not be delivered. The Respondent also used a privacy service, which is, in itself, of limited significance. While these circumstances are not, individually, determinative, the Panel considers that, taken together with the use of the Complainant's mark and content on the website, they further support the finding of registration and use in bad faith. See [WIPO Overview 3.1](#), section 3.6.

The website previously operated at the disputed domain name is no longer active. At the time of filing of the amended Complaint, the disputed domain name resolved to a pay-per-click parking page displaying links unrelated to the Complainant, and at the time of this Decision the Panel was unable to access any active content. These subsequent changes do not alter the Panel's findings. A respondent cannot disclaim responsibility for content appearing on the website associated with its domain name, even where such content is generated by a third party ([WIPO Overview 3.1](#), section 3.5). In any event, having regard to the reputation of the Complainant's mark, the Respondent's prior use of the disputed domain name to impersonate the Complainant, its failure to submit a response, the apparently false contact details, and the implausibility of any good faith use to which the disputed domain name may be put, the current non-use of the disputed domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3.

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 <theincotex.com> be transferred to the Complainant.

/Mladen Vukmir/

Mladen Vukmir

Sole Panelist

Date: September 25, 2026