

ADMINISTRATIVE PANEL DECISION

Fontana Pelletterie S.p.A. v. Ivan Shcherbakov
Case No. D2026-3509

1. The Parties

The Complainant is Fontana Pelletterie S.p.A., Italy, represented by Società Italiana Brevetti S.p.A., Italy.

The Respondent is Ivan Shcherbakov, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <fontanamilano1915.live> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 7, 2026. On August 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 10, 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 (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 19, 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 20, 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 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 11, 2026.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on September 21, 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 a company based in Italy, founded in 1915, and active in the production of luxury leather goods. The Complainant sells leather bags under the brand FONTANA MILANO 1915.

The Complainant's bags are regularly featured in renowned fashion magazines.

The Complainant owns the following trademark registrations, among others:

- International trademark registration No. 1535488 for FONTANA MILANO 1915, registered on May 6, 2020, in classes 3, 18, and 25; and
- International trademark registration No. 1483510 for F FONTANA MILANO 1915 & design, registered on March 6, 2019, in classes 3, 18, and 25.

The Complainant operates its official website under the domain name <fontanamilano1915.com>, registered on July 13, 2009.

The disputed domain name was registered on July 28, 2026.

According to excerpts reproduced in the Complaint, the disputed domain name used to resolve to a website with contents identical to those of 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 is identical to its protected trademark FONTANA MILANO 1915, except for the generic Top-Level Domain ".live", which should be disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark.

The Complainant further contends that there are no trademark applications or registrations for "FONTANAMILANO1915" and that all FONTANA MILANO 1915 trademarks are in the name of the Complainant. Furthermore, the Complainant has neither authorized, nor somehow given its consent to the Respondent to reproduce its trademark in the disputed domain name.

Finally, the Complainant is of the view that the disputed domain name was registered in bad faith. Its own business under the mark FONTANA MILANO 1915 was well established at the time of registration of the disputed domain name, and it is therefore evident that the Respondent knew or should have known about the existence of the earlier Complainant's trademark. The Complainant contends also that the disputed domain name resolves to a clone website of the official Complainant's website, which amounts to use in bad faith as the Respondent is exploiting the Complainant's reputation to attract Internet users to its website for commercial gain. Also, the Respondent is depriving the Complainant of the possibility to register the disputed domain name in which it might have a legitimate interest.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent 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 registered by the respondent 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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 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.

On the contrary, the record shows that the disputed domain name resolved to a website imitating the Complainant's website in the manner of a copycat.

Panels have held that the use of a domain name for illegitimate activity, such as copycat sites and passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Finally, the Respondent did not file a Response to the Complaint. The Panel may draw from the lack of a Response the inferences that it considers appropriate, according to the Rules, paragraph 14(b).

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, given the longstanding use and reputation of the Complainant's trademark, the Panel finds it implausible that the Respondent chose the disputed domain name without having the Complainant's mark in mind. This is reinforced by the identical nature of the disputed domain name and the website thereunder mimicking the Complainant's own website. The Panel therefore finds that the disputed domain name was registered in bad faith.

Under paragraph 4(b)(iv) of the Policy, the use of a disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of a website or location or of a product or service on the website or location, amounts to evidence of registration and use in bad faith.

In the present case, the Respondent used the disputed domain name in connection with a website displaying web pages identical to those of the Complainant's official website. Such use was apt to create the false impression that the Respondent's website was operated or endorsed by the Complainant. Consequently, by using the disputed domain name in such manner, the Panel finds that the Respondent intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source and affiliation of its website. Such behavior constitutes use in bad faith under paragraph 4(b)(iv) of 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 <fontanamilano1915.live> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: October 5, 2026