

ADMINISTRATIVE PANEL DECISION

Caffè Borbone S.r.l. v. Ucok Simatupang, Buluketek
Case No. D2026-3620

1. The Parties

- 1.1 The Complainant is Caffè Borbone S.r.l., Italy, represented by Società Italiana Brevetti S.p.A., Italy.
- 1.2 The Respondent is Ucok Simatupang, Buluketek, Indonesia.

2. The Domain Name and Registrar

- 2.1 The disputed domain name <cafeborbonepanama.world> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

- 3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2026. At that time, publicly available Whois details did not identify the underlying registrant of the Domain Name.
- 3.2 On August 14, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 17, 2026, the Registrar transmitted by email to the Center its verification response disclosing underlying registrant and contact information for the Domain Name. The Center sent an email to the Complainant on August 17, 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 18, 2026.
- 3.3 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”).
- 3.4 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.

3.5 The Center appointed Matthew S. Harris 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

4.1 The Complainant is an Italian company engaged in the production and sale of coffee and related products, including coffee capsules, coffee beans, and ground coffee. It was founded in 1996 in Naples, Italy. Its name derives from the House of Bourbon (“Borbone” in Italian), the historic European royal dynasty that ruled the Kingdom of Naples and Sicily during the eighteenth and nineteenth centuries.

4.2 The Complainant’s products are distributed and sold worldwide, but the extent of those worldwide sales is unclear. In 2019, the Complainant’s products were also awarded two stars by the International Taste Institute, whose TASTE evaluation and certification programme that year tested consumer food and beverage products submitted from around a hundred countries.

4.3 The Complainant is the owner of registered trade marks that comprise or incorporate the terms “CAFFÈ BORBONE” or “BORBONE” in numerous jurisdictions. They include:

(i) Italian trade mark registration No. 895990, for a figurative mark incorporating the words “CAFFÈ BORBONE”, filed on January 19, 2000 and registered on June 9, 2003, in classes 9, 30, and 42;

(ii) European Union trade mark registration No. 015670532, for a figurative mark that primarily comprises BORBONE as a word in stylised form, filed on July 18, 2016 and registered on November 23, 2016, in classes 7, 11, 21, 30, 35, 37, 40, and 43;

(iii) United States of America trade mark registration No. 4356426, for a figurative mark incorporating the words “CAFFÈ BORBONE”, filed on April 12, 2012 and registered on June 25, 2013, in classes 30 and 43; and

(iv) Panamanian trade mark registration No. 258814-01, for a figurative mark incorporating the words “CAFFÈ BORBONE”, filed on June 7, 2017 and registered on January 25, 2018, in classes 30 and 43.

4.4 The Complainant refers to two previous decisions under the Policy in which panels ordered the transfer to the Complainant of domain names incorporating its marks: *Caffè Borbone S.r.l. v. Beats, Beats / KAI*, WIPO Case No. [D2022-0824](#), and *Caffè Borbone S.r.l. v. RONGKAI*, WIPO Case No. [DCO2024-0075](#).

4.5 The Complainant operates its main website from the domain name <caffeborbone.com>, and owns a number of further domain names incorporating the terms “caffe borbone” and/or “borbone”.

4.6 The Domain Name was registered on June 26, 2026.

4.7 The registrant of the Domain Name appears to be an individual located in Indonesia.

4.8 At the time the Complaint was filed, the Domain Name resolved to a default web-hosting control panel login screen generated by the Plesk software, displaying a standard server installation message and no content referring to the Complainant or its business.

5. Parties' Contentions

A. Complainant

5.1 The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the Domain Name.

5.2 As to the first element, the Complainant contends that the Domain Name reproduces its CAFFÈ BORBONE and BORBONE marks, save for the omission of one letter "f", combined with the term "panama" and the ".world" generic Top-Level Domain ("gTLD").

5.3 The Complainant further contends that "CAFFÈ BORBONE" and "BORBONE" are not common or descriptive terms, but are terms in which it has demonstrated trade mark rights.

5.4 The Complainant also provides evidence from a trade mark database which is said to demonstrate that there are no trade mark applications or registrations for "CAFE BORBONE" or similar terms in the name of the Respondent.

5.5 As to the second and third elements, the Complainant contends that it has not authorised the Respondent to use its marks, that there is no evidence that the Respondent holds any right or legitimate interest in the term "CAFFÈ BORBONE" or "BORBONE", and that the combination of a variation of its mark with the term "panama", a jurisdiction in which the Complainant holds a registered trade mark, creates a risk of implied affiliation with, or endorsement by, the Complainant. In support of these contentions the Complainant provides evidence from a trade mark database which is said to demonstrate that there are no trade mark applications or registrations for "CAFE BORBONE" or similar terms in the name of the Respondent.

5.6 The Complainant also relies on the Respondent's use of a privacy service at the time the Domain Name was registered.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

6.1 It is generally 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 trade mark and the Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

6.2 The Complainant has shown that it has rights in registered trade marks in which the terms CAFFÈ BORBONE and BORBONE are a significant if not a predominant part. [WIPO Overview 3.1](#), section 1.2.1.

6.3 The Domain Name reproduces that mark, save for the omission of the second letter "f" in "caffè" combined with the word "panama". Accordingly, the Complainant's mark is recognisable within, and the Domain Name is confusingly similar to that mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

6.4 Although the addition of the word "panama" may bear on assessment of the second and third elements, the Panel finds the addition of that term does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

6.5 The Panel, therefore, finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

6.6 As is discussed in the context of bad faith below, the Panel accepts that the Domain Name was registered, and has been held, with the intention of suggesting that it is connected in some manner or other with the Complainant's activities or possible activities in Panama (see also the discussion of marks combined with a geographical term at [WIPO Overview 3.1](#), section 2.5.1).

6.7 There is no right or legitimate interest in holding a domain name for such a purpose and this constitutes positive evidence that no such right or legitimate interest exists.

6.8 The Complainant database search evidence showing that the Respondent is the owner of no applications or registrations for "CAFE BORBONE" also supported this finding.

6.9 In the circumstances, the Panel concludes that the Respondent has no rights or legitimate interests in the Domain Name and the Complainant has made out the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

6.10 The Domain Name takes a form that inherently suggests an association with the Complainant that does not exist. Notwithstanding that the first part of the Domain Name is missing one of the letter "f"s that forms part of the Complainant's name and mark, the Panel accepts, given the Complainant's contentions that it is engaged in activities worldwide, that there is a high likelihood that the Domain Name will be read by Internet users as suggesting some form of connection with the Complainant. Further, the use of these words combined with the name of a country, Panama, is likely to be understood as suggesting that the Domain Name is connected in some manner or other with the Complainant's activities or possible activities in Panama.

6.11 It is not impossible to conceive of circumstances whereby the Domain Name might have been registered in connection with a genuine business, such as a café based in Panama. But no argument or evidence to this effect has been provided by the Respondent, and it is something that is inherently unlikely if the registration details for the Respondent are accurate and this has been registered by someone based in Indonesia. Further, such use in Panama also raises its own issues and questions given the existence of the Complainant's Panamanian trade mark.

6.12 Given this, the Panel concludes that it is more likely that the Domain Name was registered and held by someone who deliberately intended that Internet users would think the Domain Name was associated with the Complainant when it was not. Accordingly, this is a case where the Panel is satisfied that the Domain Name deliberately impersonates the Complainant and its marks, and the registration and holding of such a domain name involved registration and use in bad faith (as to which see the decision of this Panel in *Johnson & Johnson v. Ebubekir Ozdogan*, WIPO Case No. [D2015-1031](#)).

6.13 It does not matter for the purposes of this analysis that to date there is no evidence that the Domain Name has been anything other than passively held (as to which see [WIPO Overview 3.1](#), section 3.3).

6.14 The Panel is not persuaded by the Complainant's contentions by reference to the fact that the Whois details for the Domain Name initially provided details of a privacy service. This appears to be the standard privacy service offered by the Registrar, and the Complainant has not advanced a case to the effect that the underlying registration details disclosed by the Registrar in the course of these proceedings are false or disguise the real identity of the Respondent. However, this makes no difference to the Panel's conclusions in this case.

6.15 It follows that the Complainant has made out the requirements of paragraph 4(a)(iii) of the Policy.

7. Decision

7.1 For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <cafeborbonepanama.world> be transferred to the Complainant.

/Matthew S. Harris/

Matthew S. Harris

Sole Panelist

Date: September 12, 2026