

PANEL DECISION

Zambon S.P.A. v. All in Biz Club Spolka z Ograniczona Odpowiedzialnoscia,
Anna Pazyna
Case No. DEU2025-0029

1. The Parties

The Complainant is Zambon S.P.A.. Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is All in Biz Club Spolka z Ograniczona Odpowiedzialnoscia, Anna Pazyna, Poland.

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <xadago.eu> is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the disputed domain name is Spaceship, Inc.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 29, 2025. On October 29, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name(s). On October 30, 2025, the Registry 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 .eu Alternative Dispute Resolution Rules (the “ADR Rules”) and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the “Supplemental Rules”).

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 6, 2025. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was November 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 28, 2025.

The Center appointed Manuel Moreno-Torres as the sole panelist in this matter on December 1, 2025. 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 ADR Rules, Paragraph B(5).

4. Factual Background

The Complainant is an Italian company doing business in Europe, America, and Asia in the chemical and pharmaceutical field. With nearly three thousand employees throughout the world and, products plants in Italy, Switzerland, France, and China. The Complainant commercializes safinamide, a pharmaceutical compound, under the XADAGO trademark.

The Complainant holds a portfolio of trademarks for XADAGO. By way of example, European Union Intellectual Property Office, with Registration No. 011229804, filed on October 1, 2012, and registered on June 29, 2014.

The disputed domain name <xadago.eu> was registered on May 27, 2025, and redirects to an active page where it is offered for sale for USD 1,450.

The Complainant sent a cease-and-desist letter to the Respondent on June 26, 2025, who did not answer.

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 Respondent cannot support its registration in any of the circumstances enumerated in paragraph B(11)(e) of the ADR Rules to demonstrate rights to, or legitimate interests in the disputed domain name

The Complainant also alleges that the disputed domain name carries a high risk of implied affiliation.

Regarding to the third requirement, the Complainant points out how a Google search results are only related to the Complainant's trademark and product and refers to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 3.1.4. to support bad faith registration. Moreover, the Respondent registered the disputed domain name for profit out of its sale in view of its attractiveness and fame.

B. Respondent

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

6. Discussion and Findings

According to art 4 (4) of the Regulation (EU) 2019/517 and paragraph B 11(d)(1) of its ADR rules the Complainant to succeed has to establish the following circumstances:

- (i) that the disputed domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law, and; either
- (ii) that the disputed domain name has been registered by the Respondent without rights or legitimate interest in the name; or
- (iii) that the disputed domain name has been registered or is being used in bad faith.

Furthermore, Article 22(10) of the Regulation provides that failure of any of the parties involved in an ADR procedure to respond within the given deadlines or appear to a panel hearing may be considered as grounds to accept the claims of the counterparty.

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

The Complainant has provided evidence establishing that it has trademark rights in the XADAGO trademark through use and registration in the European Union. Therefore, the Complainant meets the standing to bring a complaint under paragraph B11(d)(1)(i) of the ADR Rules.

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 ADR Rules. [WIPO Overview 3.0](#), section 1.7. ¹

The Panel therefore finds that the Complainant has established the first element according to paragraph B11(d)(1)(i) of the ADR Rules.

B. Rights or Legitimate Interests

Based on the file and the evidence therein, the Panel accepts that the Complainant has demonstrated the absence of circumstances for the purposes of paragraph B 11(e) of the ADR Rules in favour of the Respondent. Indeed, the Respondent has not received license or authorization to use XADAGO trademark in a domain name, nor is the Respondent the owner of a trademark for “xadago” and, from the evidence, the Respondent is not commonly known by “xadago”. Further, the Panel accepts that the composition of the disputed domain name poses a risk of affiliation with the Complainant. Therefore, the Complainant has established a prima facie case to support a finding of lack of rights or legitimate interests.

In these circumstances, and in accordance with the doctrine established in previous decisions (See *Probus Pleion Suisse SA v. Patricia Delacour*, WIPO Case No. [DEU2025-0007](#)), when a complainant establishes a prima facie presumption that the respondent lacks rights or legitimate interests, the burden of producing evidence on this second requirement shifts to the respondent to present relevant evidence demonstrating rights or legitimate interests in the domain name. However, the Respondent has decided not to give any explanation and filed no response accordingly.

The Panel finds that the Complainant has proven the second requirement as set out in paragraph B(11)(d)(1)(ii) of the ADR Rules.

C. Registered or Used in Bad Faith

The Panel finds that the evidence of the file leads to the conclusion that the Respondent knew or should have known about the Complainant and its trademarks when registering the disputed domain name due to its reputation and distinctiveness. Regarding the use, the Panel notes that the current offering to sell the disputed domain name to the general public is an attempt to obtain an extraordinary benefit beyond regular costs directly related to the disputed domain name. Thus, the Respondent targeted the Complainant with the main intent to profit from XADAGO trademark. Accordingly, the Panel concludes that this registration and use tantamount to bad faith in line with the ADR Rules and previous panels' decisions.

These findings are supported by the lack of rights or legitimate interests for the Respondent in the disputed domain name, and the lack of response and rebuttal of the Complainant's allegations.

Under these circumstances, the Complainant has established the third element, according to paragraph B11(d)(1)(iii) of the ADR Rules.

¹Due to similarities between the ADR Rules and the Uniform Domain Name Dispute Resolution Policy, the Panel will also take into consideration the [WIPO Overview 3.0](#).

7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain name, <xadago.eu> be transferred to the Complainant. ²

The Panel notes that the Complainant meets the eligibility criteria for registration of an <.eu> TLD as set out in Article 3 of Regulation (EU) 2019/517.

/Manuel Moreno-Torres/

Manuel Moreno-Torres

Sole Panelist

Date: December 15, 2025

²(i) The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.

(ii) If the remedy granted is “transfer”, the Panel shall briefly discuss that the Complainant satisfies the general eligibility criteria for registration set out in Article 3 of Regulation (EU) 2019/517.