

## ADMINISTRATIVE PANEL DECISION

Furla S.p.A. v. mike kruger; Ssandra Nagel; Christina Ackermann; Shawn Thurin; Nico Eberhart; Brian Presley; Patricia Arvizu; Name Redacted; and Client Care, Web Commerce Communications Limited  
Case No. D2024-0283

### 1. The Parties

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

The Respondents are mike kruger, Germany; Ssandra Nagel, Germany; Christina Ackermann, Germany; Shawn Thurin, United States of America (“United States”); Nico Eberhart, Germany; Brian Presley, United States; Patricia Arvizu, United States; Name Redacted; and Client Care, Web Commerce Communications Limited, Malaysia.

### 2. The Domain Names and Registrars

The disputed domain names <ftroutlets.com>, <furlaaustraliaoutlet.com>, <furlabagssusa.com>, <furlabagsusa.com>, <furladeutschland.com>, <furlaespana.com>, <furlafactoryoutlet.com>, <furlafrance.com>, <furlahrsvatska.com>, <furlahungary.com>, <furlaindia.com>, <furla-italia.com>, <furlamagyarorszag.com>, <furlamexico.com>, <furlanederland.com>, <furlaoutletdeutschland.com>, <furlasfactoryoutlet.com>, <furlasrbija.com>, <furlasturkey.com>, <furlaturkey.com>, <furla-turkiye.com>, <furlaturkiye.com>, and <furlaturkyie.com> are registered with Alibaba.com Singapore E-Commerce Private Limited.

The disputed domain name <furla-argentina.com> is registered with Mat Bao Corporation.

The disputed domain name <furla-taska.com> is registered with 1API GmbH.

The disputed domain name <furlaromania.ro> is registered with ROTLD.

The disputed domain name <furla-romania.com> is registered with Gransy, s.r.o. d/b/a subreg.cz.

The disputed domain names <furla-malaysia.com>, <furlaoutletjapan.com>, <furla-portugal.com>, and <furlatascheschweiz.com> are registered with Key-Systems GmbH.

(Alibaba.com Singapore E-Commerce Private Limited, Mat Bao Corporation, 1API GmbH, ROTLD, Gransy, s.r.o. d/b/a subreg.cz, and Key-Systems GmbH are hereinafter referred to as the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2024. On January 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 24, January 25, and January 26, 2024, respectively, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 30, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed the first amended Complaint on February 3, 2024.

The Center verified that the Complaint together with the first 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 February 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2024. Email communications were received from one of the disclosed registrants on February 21 and February 26, 2024, respectively, claiming identity theft and requesting redact his name in the Decision.

On March 8, 2024, the Registrar Gransy, s.r.o. d/b/a subreg.cz disclosed the new underlying registrant of the disputed domain name <furla-romania.com>. On March 8, 2024, the Complainant is invited to amend the Complaint by adding the disclosed registrant details to the Complaint and provide any further consolidation arguments. The Complainant filed the second amended Complaint on March 12, 2024. The Center re-notified the Notification of Complaint emails dated February 7, 2024 together with the second amended Complaint to the Respondents on March 12, 2024, and gave 10 days to the new underlying registrant to invite it to comment whether it would like to participate in the proceeding. However, no Response had been received by the end of the period.

The Center appointed John Swinson as the sole panelist in this matter on April 2, 2024. 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 fashion company that has been in the leather goods industry since 1927. The Complainant produces luxury handbags and accessories.

The Complainant owns a portfolio of trademark registrations for FURLA, including European Union trade mark registration No. 002850873, registered on January 7, 2004. This dispute involves 31 disputed domain names. These disputed domain names were registered on various dates between February 2022 and September 2023.

Many of the disputed domain names resolve (or in the past have resolved) to online stores that purport to sell the Complainant’s products. These websites are similar in structure and design, with mostly identical content (but with pricing in a currency matching the geographical term used in the corresponding disputed domain

name). On these websites, the Complainant's FURLA trademark is prominently used, and the websites create the impression that they all are operated by the Complainant.

At the present time, some of the disputed domain names do not resolve to an active website. For example, the disputed domain name <furla-argentina.com> does not resolve and an error message is returned.

Other disputed domain names divert to other websites that appear to be operated by the Respondents. For example, the disputed domain names <furlaaustraliaoutlet.com> currently redirects to the domain name <furlaaustraliashop.com> which has similar content to the other websites the subject of this case.

## **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 names.

Notably, the Complainant contends that the Respondents are using the disputed domain names to advertise and sell counterfeit versions of the Complainant's famous fashion products.

### **B. Respondents**

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

## **6. Discussion and Findings**

### **6.1 Procedural Matters**

#### **Consolidation: Multiple Respondents**

The amended Complaints were filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

Other than in respect of one named Respondent (discussed in detail below), the disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Complainant submitted detailed evidence to demonstrate that the websites at each of the disputed domain names had common features and structure. The Complainant also provided a detailed expert report, with analysis, by Mr. Marco Signorelli who concluded "investigations carried out suggest a commonality of administration such that it can be assumed that they all belong to the same person/criminal organization. In fact, significant commonalities between the websites were observed."

These circumstances show that it is more likely than not that the disputed domain names are under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

### **Name Redaction**

The Panel has redacted the name of one of the named Respondents from this decision. This is because the person named in the Registrar’s records as the owner of the disputed domain name responded and stated that he was the victim of identity theft and was not the registrant of the disputed domain name <furlatascheschweiz.com>. Accordingly, the Panel has redacted the name of this person from this decision. However, the panel has attached as Annex 1 to this decision an instruction to the Registrar which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar and has indicated that Annex 1 is not to be published due to the circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#); and *KWM Brands Pte Limited, King & Wood Mallesons v. Whois Agent, Whois Privacy Protection Service Inc. / Name Redacted*, WIPO Case No. [D2017-1721](#).

### **6.2 Substantive Matters**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied in respect of each disputed domain name, namely:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed 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 names. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Except in relation to the disputed domain name <ftroutlets.com>, the Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names (other than <ftroutlets.com> which is discussed below) are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (for example, “mexico”, “australia”, and “outlet”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In respect of the disputed domain name <ftroutlets.com>, this disputed domain name does not include the Complainant's FURLA trademark. On an initial review, "ftr" is not confusingly similar to FURLA. The Complainant does not make arguments specific to this disputed domain name.

Here, the disputed domain name <ftroutlets.com>, includes two letters of the Complainant's trademark, plus another term "outlets" that is not part of the Complainant's trademark. The Complainant has no trademark rights in the word "outlets" alone.

In *Fenix International Limited v. Privacy Service Provided by Withheld for Privacy ehf / Pablo Espinoza*, WIPO Case No. [D2021-3200](#), the UDRP panelist decided that the domain name <only-mega-packs.com> was confusingly similar to the Complainant's ONLYFANS trademark. In that decision, the UDRP panelist stated:

"The question therefore is whether 'only' is a sufficient approximation to 'onlyfans' in the context of the case analysis at hand. The Panel accepts this may be a case-specific issue but has formed the view that this is the type of case referred to at [WIPO Overview 3.0](#) section 1.7: 'In specific limited instances, while not a replacement as such for the typical side-by-side comparison, where a panel would benefit from affirmation as to confusing similarity with the complainant's mark, the broader case context such as website content trading off the complainant's reputation, or a pattern of multiple respondent domain names targeting the complainant's mark within the same proceeding, may support a finding of confusing similarity.'"

The same logic applies in the present case.

It is well established that the content of the Respondent's website is normally disregarded when assessing confusing similarity under the first element of the Policy. The test is to be conducted by way of a side-by-side comparison of the Complainant's trademark and the disputed domain name. *Harry Winston Inc. and Harry Winston S.A. v. Jennifer Katherman*, WIPO Case No. [D2008-1267](#).

However, in certain circumstances, it is permissible for the Panel to consider the website at the disputed domain name <ftroutlets.com> to gain an indication of the Respondent's intention for the disputed domain name <ftroutlets.com>. See *Fenix International Limited v. Privacy services provided by Withheld for Privacy ehf / Darko Milosevic, Rocket Science Group*, WIPO Case No. [D2022-1875](#) (concerning <ofansfree.com> and <ofhacked.com>) and the cases cited in that decision.

The Respondent's website at the disputed domain name <ftroutlets.com> trades off the Complainant's reputation and includes what appears to be content stolen from the Complainant's website or intended to make consumers believe that is the case. An Internet user visiting the website at the disputed domain name <ftroutlets.com> would most likely understand FTR in the disputed domain name <ftroutlets.com> to refer to the Complainant's FURLA trademark. This is particularly the case because the website at the disputed domain name <ftroutlets.com> is in Turkish, and a Turkish consumer may more easily confuse FTR with the Complainant's FURLA trademark, especially after visiting that website. The Panel finds that such use supports a finding of confusing similarity. The broader case context (including the website content trading off the Complainant's reputation and a pattern of multiple domain names targeting the Complainant's trademark which are the subject of this proceeding) supports a finding of confusing similarity. Accordingly, in the very specific and limited circumstances of this case, the Panel finds that the Complainant also satisfies the first element of the Policy in respect of the disputed domain name <ftroutlets.com>.

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 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 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

Some of the disputed domain names are currently inactive, but they reflect the same naming pattern and are under common control. Therefore, without any plausible explanation for their registration, they appear as part of an attempt to “corner the market” in domain names that reflect the FURLA trademark.

In prior UDRP decisions involving the same Respondent, the panel in that case considered whether the test set out in the case of *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (the “Okidata test”) applied and decided that it did not. See, for example, *Alpargatas S.A., Alpargatas Europe, S.L.U v. Sabrina Diederich / Web Commerce Communications Limited*, WIPO Case No. [D2022-0942](#). The same result and rationale also apply in this case.

In the present case, the Complainant asserts that the websites at the disputed domain names are online stores that impersonate the Complainant but that are selling counterfeit goods. The Complainant asserts (and the Respondent does not deny) that:

“the Respondent is selling - at rock-bottom prices and using the Furla Trademarks - “Furla” counterfeit products. [...] Indeed, thanks to the Disputed Domain Names the Respondent manages to deceive Internet users into believing that the website to which it resolves belongs to the Complainant and that it is selling original “Furla” Products. The fact that the Respondent uses - without any authorization - images illegitimately taken from the original Furla website further confirms this conclusion.”

Panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The use being made of the disputed domain names cannot be characterized as a bona fide offering of goods or services. The websites at most of the disputed domain names prominently featured the Complainant’s logo and products, in what appears to be fraudulent online shops, with no disclaimer as to the Respondent’s lack of relationship or affiliation with the Complainant and with no contact details provided for the Respondent.

Based on the available record, the Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present circumstances, the Panel concludes that the registration and use of the disputed domain names are in bad faith.

The Respondent's conduct demonstrates the Respondent's knowledge of the Complainant and its trademark. By registering many domain names that include the Complainant's well known trademark, and then by using the disputed domain names to impersonate the Complainant, demonstrates that the Respondent specifically knew of and targeted the Complainant.

On multiple occasions over the past two years, the Respondent has been found by UDRP panels to have engaged in abusive domain name registrations. In fact, the Respondent has lost over 150 cases under the Policy. In the Panel's view, such pattern of recent abusive conduct, repeatedly registering trademark-abusive domain names, constitutes further evidence of bad faith. See also *New Balance Athletics, Inc. v. Client Care, Web Commerce Communications Limited*, WIPO Case No. [D2022-0908](#); and *Alpargatas S.A., Alpargatas Europe, S.L.U. v. Quinton Baker, Jovin Lim, Web Commerce Communications Limited, Client Care*, WIPO Case No. [D2022-1500](#), where a similar finding was made against the present Respondent. See also *Swarovski Aktiengesellschaft v. Client Care, Web Commerce Communications Limited*, WIPO Case No. [D2023-2685](#).

The status of some of the disputed domain names (not resolving or presenting an error message) does not prevent a finding of bad faith, given the Respondent's failure to participate in this proceeding, and the Respondent's attempt to corner the market in respect of disputed domain names involving the Complainant's trademark. [WIPO Overview 3.0](#), section 3.3.

Based on the facts in the Complaint, which the Respondent does not rebut, the Panel finds that both paragraphs 4(b)(ii) and (iv) of the Policy apply in the present case.

Based on the available record, the Panel finds the third element of the Policy has been established.

## 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 names <ftroulets.com>, <furla-argentina.com>, <furlaaustraliaoutlet.com>, <furlabagssusa.com>, <furlabagsusa.com>, <furladeutschland.com>, <furlaespana.com>, <furlafactoryoutlet.com>, <furlafrance.com>, <furlahrvatska.com>, <furlahungary.com>, <furlaindia.com>, <furla-italia.com>, <furlamagyarorszag.com>, <furla-malaysia.com>, <furlamexico.com>, <furlanederland.com>, <furlaoutletdeutschland.com>, <furlaoutletjapan.com>, <furla-portugal.com>, <furla-romania.com>, <furlaromania.ro>, <furlasfactoryoutlet.com>, <furlasrbija.com>, <furlasturkey.com>, <furlatascheschweiz.com>, <furla-taska.com>, <furlaturkey.com>, <furla-turkiye.com>, <furlaturkiye.com>, and <furlaturkyie.com> be transferred to the Complainant.

/John Swinson/

**John Swinson**

Sole Panelist

Date: April 16, 2024