

ADMINISTRATIVE PANEL DECISION

Bianca Ingrosso AB v. David Czinczenheim
Case No. D2024-0540

1. The Parties

Complainant is Bianca Ingrosso AB, Sweden, represented by Abion AB, Sweden.

Respondent is David Czinczenheim, France.

2. The Domain Name and Registrar

The disputed domain name <biancaingrosso.com> (hereinafter the “Disputed Domain Name”) is registered with EUTurbo.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 6, 2024. On February 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 9, 2024, 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 (Unknown, Statutory Masking Enabled) and contact information in the Complaint. The Registrar also confirmed that the language of the registration agreement is English.¹ The Center sent an email communication to Complainant on February 12, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 14, 2024.

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”).

¹UDRP Rules paragraph 11(a) provides that, unless the Parties agree otherwise, the language of the proceeding “shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.” Although Complainant asks the Panel to exercise its discretion to confirm that the proceedings will be conducted in English, this is not necessary as the Rules are clear and Respondent has not requested that the Panel deviate from the Rules.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2024. Respondent sent informal email communications to the Center on February 12, and February 28, 2024. In the email messages, Respondent stated, "I can transfer the domain in case of someone want it" and "I can transfer the domain the complainant (sic)". On February 29, 2024, the Center advised Respondent that "pursuant to the Rules, paragraph 17, a UDRP proceeding may be suspended to implement a settlement agreement between the Parties. If the Parties wish to explore settlement options, the Complainant should submit a request for suspension by March 7, 2024. The proceeding will then be suspended for 30 days. If no request for suspension is received, the proceeding will continue." No request for suspension was received. The Center informed the Parties of its commencement of Panel appointment process on March 21, 2024.

The Center appointed Lawrence K. Nodine 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

Complainant is, Bianca Ingrosso AB, a Swedish company owned by the influencer and entrepreneur Bianca Ingrosso. Founded in 2019, the company is involved in influencer marketing, content creation, and product development in the beauty and lifestyle sector. Bianca Ingrosso is involved as an influencer in the fashion, beauty, and lifestyle world through her social media channels, blog, and other online platforms. Complainant asserts that it is well known as evidenced by Internet traffic to Complainant's Instagram account, which Complainant asserts has 1.5 million users.

Complainant owns several registrations for the trademark BIANCA INGROSSO (hereinafter the "Mark"), including European Union Registration No. 018027123 (registered on September 30, 2019).

The Disputed Domain Name <biancaingrosso.com> was registered by Respondent on November 19, 2023. Complainant asserts that it previously owned the Disputed Domain Name since 2017, but the record is unclear about when or why that alleged ownership lapsed allowing Respondent to register the Disputed Domain Name in 2023.

The Disputed Domain Name currently resolves to a landing page that redirects Internet users to a website where domain names are being sold or rented. At the time of the Complaint was filed, the Disputed Domain Name was offered for sale for USD 2,995.

Complainant sent a cease-and-desist letter to Respondent on January 19, 2024, but received no response.

5. Parties' Contentions

A. Complainant

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

B. Respondent

Respondent did not submit a response to the Complaint. As noted above, however, the Center did receive two emails from Respondent stating simply, "I can transfer the domain in case of someone want it" and "I can transfer the domain the complainant (sic)". The Center received no further communication from either party indicating that a settlement was reached.

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 Complainant's trademark and the Disputed Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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.

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 3.0](#), 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 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 available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Complainant has not licensed or authorized Respondent to use its trademarks. Respondent is not affiliated to Complainant. Complainant did not authorize Respondent to register or use the Disputed Domain Name incorporating its respective trademarks. There is no evidence that Respondent is commonly known by the Disputed Domain Name or owns any registered trademarks including the term "biancaingrosso.com".

Respondent has not rebutted 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.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that Respondent registered and is using the Disputed Domain Name in bad faith. Complainant offers evidence that its principal Bianca Ingrosso and the Mark are well known so it is fair to infer that Respondent was well aware of Complainant and its rights, especially in the absence of a response offering a benign explanation for the registration or otherwise denying the allegations of Respondent's awareness and targeting of Complainant.

The evidence shows that Respondent is offering to sell the Disputed Domain Name for consideration far in excess of its out-of-pocket costs (absent any evidence from the Respondent to the contrary). 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. Policy paragraph 4(b)(i) is directly applicable here because Respondent has registered the Disputed Domain Name under “circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name.”

The Panel finds that 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 <biancaingrosso.com> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: April 16, 2024