

ADMINISTRATIVE PANEL DECISION

Alcantara S.p.A. v. Luis Saucedo
Case No. D2024-1318

1. The Parties

The Complainant is Alcantara S.p.A., Italy, represented by Bugnion S.A., Italy.

The Respondent is Luis Saucedo, United States of America.

2. The Domain Name and Registrar

The disputed domain name <alcantera.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 27, 2024. On March 28, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 28, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 3, 2024, 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 April 5, 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 30, 2024.

The Center appointed Adam Samuel as the sole panelist in this matter on May 6, 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 global corporation specializing in the product and marketing of Alcantara, a material used to enhance cars, aircraft and yacht interiors and other luxury brands. It owns, among others, a United States of America trademark, registration number 5343269, registered on November 28, 2017, for the name ALCANTARA. The Complainant registered the domain name <alcantara.com> on July 12, 1996, through which it promotes its products. The disputed domain name was registered on December 8, 2023. It currently resolves to a web page offering materials to upgrade the surfaces of cars and other luxury items including a “sleek Alcantara finish”.

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 this is a case of typosquatting. The Respondent has registered the disputed domain name by intentionally misspelling the Complainant’s renowned trademark by replacing the letter “a” with the visually similar letter “e”. The generic Top-Level Domain (“gTLD”) “.com” should be disregarded in the comparative analysis between a domain name and a trademark.

The Respondent is not widely recognized as “alcantera”, does not own any trademarks incorporating that name and is not engaged in legitimate business activities under such a name. The Respondent is not a licensee of the Complainant and has not received any form of permission from the Complainant to utilize its trademarks.

The website to which the disputed domain name resolves prominently advertises products that bear a close resemblance to the Complainant’s goods. The Respondent mentions the ALCANTARA mark on its website in a manner suggesting that the products sold are either identical to or interchangeable with those of the Complainant. This constitutes a deliberate attempt to mislead consumers into believing that they are purchasing through the Respondent’s website genuine Alcantara products at a cheaper price than the Complainant’s.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

(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

The disputed domain name consists of the Complainant's trademark ALCANTARA with the second "a" replaced by an "e" and the gTLD ".com".

The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 1.9 of the [WIPO Overview 3.0](#) says:

"A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. ...

Examples of such typos include ... substitution of similar-appearing characters ..."

For all these reasons, the disputed domain name is confusingly similar to the Complainant's mark.

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

B. Rights or Legitimate Interests

The Respondent is not called "alcantera" or anything similar. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks. The Respondent does not appear to have used the disputed domain name for any legitimate purpose. Instead, it appears to be exploiting the Complainant's trademark in offering similar or counterfeit products to the Complainant.

For these reasons, the Panel concludes that the Complainant has met this element. See section 2.1 of the [WIPO Overview 3.0](#).

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

C. Registered and Used in Bad Faith

This is a typosquatting case in which the Respondent is selling products similar to and in at least one case the same as the Complainant's. Section 1.9 of the [WIPO Overview 3.0](#) notes about this type of case:

"Panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant."

Here, the website to which the disputed domain name resolves demonstrates that the Respondent knows about the Complainant's business and is trying to divert customers away from it, in some cases by offering what appear to be counterfeit products, notably the following text on the website supports such a finding, "Redefine your driving experience with Alcant-ERA. Whether you're seeking a sleek Alcantara finish or the bold aesthetics of Forged Carbon, we're here to accompany you on your path to automotive excellence".

The Respondent registered the disputed domain name primarily for the purpose of disrupting the Complainant's business and attracting for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the web site and products and services on its web site. Under paragraph 4(b)(iii) and (iv) of the Policy, this constitutes evidence of registration and use in bad faith.

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 <alcantera.com> be transferred to the Complainant.

/Adam Samuel/

Adam Samuel

Sole Panelist

Date: May 15, 2024