

## ADMINISTRATIVE PANEL DECISION

Quellogiusto S.R.L. v. Alexander Sharon, Nowak Olson, Pat Jane  
Case No. D2024-4181

### 1. The Parties

The Complainant is Quellogiusto S.R.L., Italy, represented by Cervato Law & Business s.r.l. Società tra Avvocati, Italy.

The Respondent<sup>1</sup> is Alexander Sharon, Nowak Olson, Pat Jane, United States of America (the “United States”).

### 2. The Domain Names and Registrar

The disputed domain names <quellogiustom.com>, <quellogiustop.com>, and <quellogiustow.com> are registered with Sav.com, LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 10, 2024. On October 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 11, 2024, 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 (Redacted for privacy) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 15, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar(s), 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 an amended Complaint on October 17, 2024, requesting consolidation of the three disputed domain names and withdrawal of a fourth domain name from the proceeding.

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<sup>1</sup> In light of the Panel’s decision in relation to the consolidation request the Panel refers to the underlying registrants in singular as “the Respondent”.

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 October 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 11, 2024.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on November 13, 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 following facts are undisputed.

The Complainant is an Italian company established in 2006 and is operating in the commerce of shoes, apparel and accessories. The Complainant has 16 shops in the north-east of Italy operates an e-commerce website. The Complainant has a multi-million EUR annual turnover.

The Complainant is the owner of several trademarks including the word element QUELLOGIUSTO, such as:

- Italian trademark registration QUELLOGIUSTO (word mark), with number 362017000148233, and with a registration date of September 6, 2018, for goods in class 18 and 25;
- Italian trademark registration QUELLOGIUSTO (figurative mark), with number 362021000147185, and with a registration date of January 18, 2022, for goods in class 18, 25, and 35;
- Italian trademark registration QUELLOGIUSTO (figurative mark) with number 302020000019123, and with a registration date of September 10, 2020, for goods in class 18, 25, and 35.

The abovementioned trademark registrations will hereinafter in singular also be referred to as “the QUELLOGIUSTO mark”.

The Complainant also registered three domain names, i.e. <quellogiusto.it>, <quellogiusto.is> and <quellogiusto.com> which resolve to the e-commerce websites of the Complainant (the “official websites”).

All mentioned trademark registrations predate the registration of the disputed domain names, which were registered between May 10 and 20, 2024. At the time rendering this decision, the disputed domain name <quellogiustom.com> resolves to an inactive website. Before, the disputed domain name <quellogiustom.com> resolved to a website creating the impression of being the Complainant’s official website e.g., by using the Complainant’s figurative mark. The disputed domain names <quellogiustop.com> and <quellogiustow.com> resolve to active similar websites.

#### **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 the following.

The Complainant is considered a leader in the Italian market of footwear, apparel, and accessories. The Complainant has continuously used the QUELLOGIUSTO mark since 2006 and used its official websites in commerce since 2007.

The disputed domain names represent a classic case of cybersquatting, in particular a form of typo squatting. The Respondent tries to gather users from the Internet through a typing error.

The disputed domain names are almost identical, or in any case, they are confusingly similar to the QUELLOGIUSTO mark. The disputed domain names incorporate the QUELLOGIUSTO mark in its entirety, with the mere addition of the letters “m”, “p” and “w”, respectively.

The Respondent has no rights or legitimate interests in respect of the disputed domain names. The Respondent is making an illegitimate, noncommercial and unfair use of the disputed domain names, with the intent for commercial gain misleadingly to divert consumers. The Respondent operates fake cloned e-commerce websites.

The Respondent has engaged in bad faith. The Respondent has registered and is using the disputed domain names for the sole purpose of damaging the business of the Complainant and/or to intentionally attempt to attract for commercial gain the Internet users to the Websites to which the disputed domain names resolve. The Respondent is engaging in an act of fraud, scam, or phishing by attempting to attract the Internet user to a fake website.

If the Internet user should conclude the purchase in one of the websites to which the disputed domain names resolve, it would not receive the goods purchased because the websites to which the disputed domain names resolve are fake.

Lastly, the information pages of the websites to which the disputed domain names resolve do not comply with the legal information requirement and present some grammatical errors that are typical in cases where a “bot” is used for sections of text on a website.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Preliminary Matter: Consolidation of Multiple Domain Names**

The present proceeding involves the Complainant bringing a single Complaint relating to three domain names.

The Complainant has made a request for consolidation and, in accordance with section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), thus bears the onus of establishing that such a consolidation is justified.

The Panel is satisfied that such consolidation is justified, based on the evidence brought forward by the Complainant. Firstly, the websites are registered with the same Registrar and within a period of ten days. Secondly, all the websites to which the disputed domain names resolve have highly similar layouts, and the registration details of the disputed domain names also have similarities. Lastly, all the disputed domain names follow similar naming patterns as they all incorporate the QUELLOGIUSTO mark with an additional letter. These commonalities, among others, documented by the Complainant between the disputed domain

names give the implication that the control of the disputed domain names and subsequent profits resulting from this activity are received by a single entity.

### **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 name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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.

The entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the additions, here "m", "p", and "w", respectively, may bear on assessment of the second and third elements, the Panel finds the addition of such letters 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.

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 available 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.

Panels have held that the use of a domain name for illegal activity, here claimed impersonation and fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

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

The Panel refers to its consideration under 6.B.

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.

In the present case, the Panel notes that the Respondent has clearly attempted to impersonate the Complainant and its official websites, with a clear intention to defraud customers. As such the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

Panels have held that the use of a domain name for illegal activity, here claimed impersonation and fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

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 names <quellogiustom.com>, <quellogiustop.com>, and <quellogiustow.com> be transferred to the Complainant.

*/Willem J. H. Leppink/*

**Willem J. H. Leppink**

Sole Panelist

Date: November 22, 2024