Decision for dispute CAC-UDRP-107038

Case number	CAC-UDRP-107038
Time of filing	2024-11-12 10:41:41
Domain names	frateliberetta.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	SALUMIFICIO FRATELLI BERETTA S.P.A.

Complainant representative

Organization	Giorgio Gazzola

Respondent

Name	Omar Billotti

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the proprietor of the following trademarks:

- EU trademark no. 000387282 registered on 19 October 1998 for a device containing the words "Fratelli Beretta 1812" in classes 29-31
- International registration no. 000664713 registered on 12 November 1996 for a device containing the words "Fratelli Beretta 1812" in classes 29-31
- EU trademark no. 018014804 registered on 29 May 2019 for the word mark "FRATELLI BERETTA 1812 SPUNTINO" in classes 29 and 30

FACTUAL BACKGROUND

The Complainant was established in 1812 and specialises in selling cured meats and charcuterie under the marks identified above. It has operated a website promoting its products at www.fratelliberetta.com since 2015. It has also promoted its products by sponsoring leading sports teams, including Torino FC, Juventus, Inter Milan, AC Milan and Everton, as well as the Italian national handball team and basketball and volleyball teams.

The disputed domain name was registered on 10 October 2024 and locates a web page which is flagged by the web browser,

Chrome, as dangerous.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it. No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has rights in the mark "Fratelli Beretta 1812". The Panel is also satisfied that the disputed domain name is confusingly similar to this mark, from which it differs only in the omission of one of the double "l"s in "Fratelli", the omission of "1812", and the addition of the generic top level domain name suffix, .com. The Panel considers that these differences do not effectively distinguish the disputed domain name from the Complainant's mark.

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Panel finds on the undisputed evidence that the Respondent has not used or made any preparation to use the disputed domain name or any corresponding name for a bona fide offering of goods or services or for any legitimate non-commercial or fair use; that the Respondent is not commonly known by the disputed domain name or any corresponding name; and that the Complainant has not authorised the Respondent to use the disputed domain name.

In all the circumstances, the Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

BAD FAITH

The disputed domain name is essentially a typographical variant of the Complainant's well-known, well reputed and very long established mark. It is difficult to conceive of any good faith use of such a domain name. In the absence of any explanation justifying its registration, the Panel infers that it was registered and is being used in bad faith. This inference is also supported by the fact that the disputed domain name resolves to a web page flagged by the web browser, Chrome, as dangerous.

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The disputed domain name is a confusingly similar typosquat of Complainant's long-established mark and locates a web page flagged by Chrome as dangerous. The Respondent does not have any rights or legitimate interests in the disputed domain name or any corresponding name. Bad faith is inferred from the nature of the disputed domain name as a typosquat and its use to locate a dangerous web page.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **frateliberetta.com**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2024-12-28

Publish the Decision