Decision for dispute CAC-UDRP-106626

Case number	CAC-UDRP-106626
Time of filing	2025-08-01 10:00:15
Domain names	lamborghini-adac.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Automobili Lamborghini S.p.A.

Complainant representative

Organization	HK2 Rechtsanwälte

Respondent

Organization	Re

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 has demonstrated ownership of rights in the trademark LAMBORGHINI for the purposes of standing to file a UDRP complaint.

The Complainant is the owner of numerous trademark registrations, including the following, as per trademark registration details submitted in Annex to the Complaint:

- International trademark registration No. 460178 for LAMBORGHINI (word mark), registered on March 28, 1981, in classes 03, 04, 09, 12, 14, 16, 18, 25, 28 and 34;

- United States of America trademark registration No. 1622382 for LAMBORGHINI (word mark), filed on January 16, 1990, and registered on November 13, 1990, in international class 12;

- European Union trademark registration No. 001098383 for LAMBORGHINI (word mark), filed on March 08, 1999 and registered on June 21, 2000, in classes 07, 09, 12, 14, 16, 18, 25, 27, 28, 36, 37 and 41;

- International trademark registration No. 959504 for LAMBORGHINI (word mark), registered on February 28, 2008, in classes 12 and 28.

FACTUAL BACKGROUND

The Complainant is an Italian manufacturer of high-performance sports cars based in Sant'Agata Bolognese, Italy. The company was founded in 1963 by Ferruccio Lamborghini as Automobili Ferruccio Lamborghini. The vehicles of the Complainant are amongst the world's most famous luxury sports cars.

The Complainant is the owner of the domain name <lamborghini.com>, registered on September 16, 1996 and used by the Complainant to promote its vehicles and services under the trademark LAMBORGHINI.

The disputed domain name <lamborghini-adac.com> was registered on May 18, 2025, and currently resolves to an inactive website. However, according to the screenshots submitted by the Complainant – which have not been contested by the Respondent -, at least between May 23, 2025 and May 27, 2025 resolved to a website offering an "ADAC & Lamborghini Premium Membership" which claimed to provide members with an exclusive 72-hour test drive in a LAMBORGHINI Revuelto and purportedly offered benefits such as 24/7 breakdown assistance and access to a wide network of service partners, requiring users to pay a €50 registration fee.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark LAMBORGHINI, as it includes the trademark in its entirety with the mere addition of a second trademark ADAC belonging to a third party (Allgemeiner Deutscher Automobil-Club e.V. (ADAC)) and the generic Top Level Domain ("gTLD") ".com", which are not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Respondent is not commonly known by the disputed domain name and has no relevant trademark or trade name rights in LAMBORGHINI or in a name corresponding to the disputed domain name.

The Complainant also submits that the disputed domain name has not been used for a bona fide offering of goods or services since i) at least between May 23, 2025 and May 27, 2025, it resolved to a website offering a not authorized "ADAC & Lamborghini Premium Membership" and ii) the Respondent's website included multiple indicators of fraudulent intent, by lacking essential legal elements such as verifiable contact information, a legal notice, or an imprint - features that are typically required for legitimate commercial operations under applicable law.

The Complainant further contends that the disputed domain name has not been used for a legitimate non-commercial use since i) it previously resolved to a website that appeared to offer suspicious and likely fraudulent promotions involving the LAMBORGHINI Revuelto model, advertising memberships or test drive opportunities for the vehicle, requiring users to pay a €50 registration fee; ii) the Respondent has not made fair use of the disputed domain name as the presentation of offers, coupled with false assertions of official affiliation with the Complainant, misled consumers and undermined the brand's reputation, falsely suggesting endorsement or authorization; iii) the composition of the disputed domain name leads to the suggestion of an endorsement by the Complainant; and iv) the Respondent prevented the Complainant from exercising its rights to the trademark and managing its presence on the internet and diverted internet users to its own site, thereby potentially depriving the Complainant of visits by internet users.

The Complainant submits that the Respondent registered and used the disputed domain name in bad faith according to paragraph 4(b)(iv) of the Policy as the following circumstances besides the well-known character of the LAMBORGHINI mark suggest that the Respondent intended to attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark: i) the Respondent's lack of rights or legitimate interests in the disputed domain name; ii) the Respondent's offer of fraudulent ADAC memberships and purported LAMBORGHINI test drives, creating the false impression that the Respondent was an officially licensed partner of the Complainant; and iii) the absence of conceivable good faith use of the disputed domain name by the Respondent.

The Complainant also states that the following circumstances further demonstrate the Respondent's bad faith: i) since the Complainant's use of its trademarks and business activities as a world-famous car manufacturer predates the registration of the disputed domain name by decades and the ADAC mark is itself a well-established and widely recognize trademark, the combination of two globally well-known trademarks within the disputed domain strongly suggests that the Registrant had actual knowledge of the Complainant´s rights at the time of registration; ii) there is no, and to Complainant's best knowledge, there has never been, any conceivable legitimate interest for the use of the disputed domain name by Respondent; and iii) the Respondent used a privacy service to hide its identity.

RESPONDENT

No administratively compliant Response has been filed.

RIGHTS

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 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 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

1. The Complainant has provided evidence of ownership of valid trademark registrations for LAMBORGHINI.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark as it consists of the Complainant's mark in its entirety with the addition of a second trademark ADAC belonging to a third party, Adac. As stated in prior decisions rendered under the UDRP, the addition of a third-party mark and of the gTLD ".com" is not sufficient to prevent a finding of confusing similarity.

2. With reference to the Respondent's rights or legitimate interests in the disputed domain name, the Panel finds that the Complainant has made a prima facie case and that the Respondent, by not submitting a Response, has failed to provide any element from which a Respondent's right or legitimate interest in the disputed domain name could be inferred.

The Panel notes that, based on the records, the Respondent has not been authorized or licensed by the Complainant to use its trademark LAMBORGHINI. Moreover, there is no evidence that the Respondent might be commonly known by the disputed domain name or a name corresponding to the disputed domain name.

As highlighted above, the disputed domain name currently resolves to an inactive website, but, according to the documents and statements submitted by the Complainant – which have not been challenged by the Respondent - between May 23, 2025 and May 27, 2025 resolved to a website offering an "ADAC & Lamborghini Premium Membership" which claimed to provide members with an exclusive 72-hour test drive in a LAMBORGHINI Revuelto and purportedly offered benefits such as 24/7 breakdown assistance and access to a wide network of service partners, requesting users to pay a €50 registration fee.

The Panel notes that the content of the Respondent's website, including a statement claiming an official partnership with the Complainant, was designed to reinforce the impression of an association with the Complaint that, according to the records, does not exist. Therefore, the Panel finds that, under the circumstances, such use of the disputed domain name does not amount to a bona fide offering of goods or services or a legitimate non-commercial or fair use.

Therefore, the Panel finds that the Complainant has demonstrated that the Respondent has no rights or legitimate interests in respect of the disputed domain name according to paragraph 4(a)(i) of the Policy.

3. As to bad faith at the time of the registration, the Panel finds that, in light of the Complainant's prior registration and use of the trademark LAMBORGHINI and considering the well-known character of the trademark, the Respondent was or should have been aware of the Complainant's trademark when it registered the disputed domain name on May 18, 2025.

In view of the prior redirection of the disputed domain name described above, advertising unauthorized promotions involving the LAMBORGHINI Revuelto model, including memberships or test drive opportunities for the vehicle and claiming an affiliation with the Complainant, the Panel finds that the Respondent was indeed actually aware of the Complainant's trademark and intentionally attempted to attempt to attract, 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 its website, according to paragraph 4(b)(iv) of the Policy.

The disputed domain name currently resolves to an inactive website. As established in a number of prior UDRP cases, the concept of "bad faith use" in paragraph 4(b) of the Policy includes not only positive action but also passive holding. In the present case, in

light of i) the composition of the disputed domain name, which incorporates the Complainant's trademark LAMBORGHINI in its entirety in combination with the third-party trademark ADAC, ii) the Respondent's failure to submit a Response to provide any evidence of actual or contemplated good-faith use of the disputed domain name; and iii) the implausibility of any good faith use to which the disputed domain name may be put, the Panel finds that the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has also demonstrated that the Respondent registered and is using the disputed domain name in bad faith according to paragraph 4(a)(iii) of the Policy.

In view of the foregoing and since the Complainant has submitted evidence of Adac's consent to file the case and request that any transfer order of the disputed domain name, which incorporates the trademark ADAC, be issued in favor of the Complainant only, the Panel orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lamborghini-adac.com** : Transferred

PANELLISTS

Name	**Luca Barbero**

DATE OF PANEL DECISION 2025-09-05

Publish the Decision