Decision for dispute CAC-UDRP-108129

Case number	CAC-UDRP-108129
Time of filing	2025-11-11 11:50:00
Domain names	lamborghinirentaldubaii.com

Case administrator

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

Complainant

Organization	Automobili LamborghiniS.p.A.

Complainant representative

Organization	HK2 Rechtsanwälte

Respondent

Name	Zuhaib Hassan

OTHER LEGAL PROCEEDINGS

The Complainant notified panel that the disputed domain name was subject to previous UDRP proceedings before Czech Arbitration Court under the case number CAC-UDRP-107951 where the consolidation of the disputed domain name was denied by the panel. Having reviewed the case record of the UDRP proceedings Automobili Lamborghini S.p.A. v. Ievgeniia Kostenko, Mihail Golubev, Evgeniy Parokhod, Boris Knezevic, Zuhaib Hassan, CAC Case No. CAC-UDRP-107951, the Panel finds that there are no procedural obstacles to proceed with the decision in this matter, bearing in mind that the previous UDRP proceedings in respect to the disputed domain name were terminated without prejudice and without a decision on the merits. On the contrary, the procedure was terminated due to rejection of the request for consolidation of the disputed domain name with other domain names involved in the proceedings, meaning that the Complainant was free to submit a new complaint in relation 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.

In particular, the Complainant is the owner of trademark registrations for LAMBORGHINI including the following:

- European Union trademark registration No. 001098383 for LAMBORGHINI, registered on June 21, 2000;
- International trademark registration No. 460178 for LAMBORGHINI, registered on March 28, 1981;
- United States trademark registration No. 1622382 for LAMBORGHINI, registered on November 13, 1990.

The Complainant also refers to ownership over the domain name <lamborghini.com>, registered on September 16, 1996 that incorporates its LAMBORGHINI trademark, and which is used to promote Lamborghini cars in different languages worldwide on the internet.

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 belong to the world’s most famous luxury sports cars.

The disputed domain name <lamborghinirentaldubaii.com> was registered on April 25, 2025 and it currently resolves to a parking page. The disputed domain name used to resolve to a web presentation of a car rental service in Dubai, United Arab Emirates. Based on the undisputed evidence provided by the Complainant, this website offered rental of Lamborghini vehicles under the name "Mr. Lamborghini", with the prominent use of "Mr. Lamborghini" logo on the home page. It seems that only Lamborghini vehicles were offered for rent on this website. The website does not appear to contain any information regarding the nature of the relationship with the Complainant (or the lack thereof) as the owner of the LAMBORGHINI trademark.

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.

In particular, the Complainant argues that the disputed domain name is confusingly similar to its well-known LAMBORGHINI trademark as this trademark is contained in its entirety within the disputed domain name along with the descriptive term "rental", geographical addition "Dubai" and meaningless suffix "i". Further, the Complainant contends that ".com" gTLD does not affect the domain name for the purpose of determining the identity or similarity of a domain name and a trademark.

Regarding the second UDRP element, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. There is no indication of Respondent’s use of the disputed domain name in connection with a bona fide offering of goods or services. The disputed domain name was used at least until September 2025 for a website offering luxury car rental service and after filing of the consolidated complaint in case CAC-UDRP-107951 (which also included the disputed domain name) by the Complainant, the disputed domain name started resolving to a parking page. The use of the disputed domain name in connection with car rental services is not a non-commercial use and does not represent a fair use. Neither license nor authorization has been granted or permission was given to the Respondent to use the Complainant's trademark and the Respondent is also not commonly known by the disputed domain name.

With respect to the third UDRP element, the Complainant holds that its LAMBORGHINI trademark is well-known and that the mere registration of a domain that is identical or confusingly similar to a famous widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. the Respondent has used the disputed domain name in an attempt to attract Internet users for commercial gain by creating confusion with the Complainant’s trademark. The Complainant holds that there is a pattern of conduct on the Respondent's side as he, in the Complainant's view is connected to a number of similar domain name registrations that connected LAMBORGHINI trademark with terms such as "Dubai" and "rental" and many of which were subject to UDRP proceedings that were decided in favor of the Complainant. The Complainant has also produced evidence from UDRP proceedings CAC-UDRP-107691 where the respondent in those proceedings (or person connected to the respondent) claims to run licensed car rental agency in Dubai offering premium Lamborghini and Ferrari rentals, for which purposes they are using a significant number of domain names that contain LAMBORGHINI trademark, including the disputed domain name.

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

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

- that the disputed domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- that the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- that the disputed domain name has been registered and is being used in bad faith.

1. **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, as stipulated in section 1.7 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“WIPO Overview 3.0”).

The Complainant has shown rights in respect of the LAMBORGHINI trademark for the purposes of the Policy (WIPO Overview 3.0, section 1.2.1).

The entirety of the Complainant's trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy (WIPO Overview 3.0, section 1.7).

Although the addition of other terms, here “rental”, "dubai" and sufix "i" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademark for the purposes of the Policy (WIPO Overview 3.0, section 1.8).

In addition, it is well established that “.com”, as a generic Top-Level Domain, can be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant’s trademark (WIPO Overview 3.0, section 1.11.1).

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

2. **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.

Having reviewed the available record, the Panel notes that there appears to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s LAMBORGHINI trademark.

The Respondent seems to run car rental business in Dubai, United Arab Emirates, which per se is a legitimate business activity. As previously indicated, the website on the disputed domain name offered rental of Lamborghini vehicles under the name "Mr. Lamborghini", with the prominent use of "Mr. Lamborghini" logo on the home page. It seems that only Lamborghini vehicles were offered for rent on this website. The website does not appear to contain any information regarding the nature of relationship with the Complainant (or the lack thereof) as the owner of LAMBORGHINI trademark.

Having in mind the above, the Panel holds that the key question in respect to the Respondent's use of the Complainant’s LAMBORGHINI trademark within the disputed domain name is whether such use can be observed as nominative (fair) use in accordance with the Policy. Although the Respondent is not a reseller or distributor of the Complainant, there are no obstacles to

apply the criteria established for resellers and distributors under WIPO Overview 3.0, section 2.8 to car rental services as well (see, for example, Automobili Lamborghini S.p.A v. Andranik Movsisyan, CAC Case No. CAC-UDRP-108137 and Automobili Lamborghini S.p.A v. Ievgeniia Kostenko, Mihail Golubev, Evgeniy Parokhod, Boris Knezevic and Zuhaib Hassan, CAC Case No. CAC-UDRP-107951). For that reason, the test formulated in Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903 ("Oki Data test") could be applied in the case at hand.

Under Oki Data test, panels have recognized that resellers, distributors, or service providers using a domain name containing the Complainant's trademark to undertake sales or repairs related to the Complainant's goods or services may be making a bona fide offering of goods or services and thus have a legitimate interest in such domain name, provided that the following cumulative requirements are met:

(i) the respondent must actually be offering the goods or services at issue;

(ii) the respondent must use the site to sell only the trademarked goods or services;

(iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and

(iv) the respondent must not try to 'corner the market' in domain names that reflect the trademark.

In the present case, the Panel finds that the Respondent's relationship with the Complainant (or, more precisely, the lack thereof) was not accurately and prominently disclosed on the website to which the disputed domain name resolved. In recent years, some panels have adopted a more holistic approach to the Oki Data test and have found that the absence of a disclaimer per se does not necessarily negate the legitimate interests of a reseller or distributor, provided that the website content and other circumstances make it clear that the respondent is not affiliated with the trademark owner. The content of the website to which the disputed domain name resolved, however, is problematic in the Panel's view not only because of the lack of a disclaimer or other adequate disclosure of the relationship, but also because of the prominent use of the Complainant's LAMBORGHINI trademark, going beyond mere nominative or referential use that would be consistent with the Oki Data test. Namely, the car rental service is named "Mr. Lamborghini", with prominent use of the LAMBORGHINI trademark in both the name of the service provider and its logo displayed on the website.

The Panel is also mindful of the fact that there have been a number of recent UDRP cases involving the use of the Complainant's LAMBORGHINI trademark in connection with car rental services in Dubai. Although the facts of these cases are not completely identical, there is a striking similarity between them, and the Panel cannot rule out the possibility that these cases are connected with the Respondent, particularly in light of the response in Automobili Lamborghini S.p.A. v. HostBabby, CAC Case No. CAC-UDRP-107691, which lists the disputed domain name as one of many domain names used by the respondent in those proceedings.

In view of the circumstances of the case, and the Respondent's failure to submit a response or advance any arguments capable of demonstrating rights or legitimate interests in the disputed domain name, the Panel finds, on the balance of probabilities, that the Respondent lacks such rights or legitimate interests.

Having in mind the above, the Panel finds the second element of the Policy has been established.

3. **Registered and Used in Bad Faith**

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith (see WIPO Overview 3.0, section 3.2.1).

In the present case, the Panel notes that the Respondent must have been aware of the Complainant and its LAMBORGHINI trademark, especially having in mind the reputation and fame of the Complainant's trademark. It is, therefore, highly unlikely that the Respondent decided to register a domain name containing this trademark in its entirety without having the Complainant in mind when doing so. It should be also borne in mind that that the first registration and use of LAMBORGHINI trademark predate the registration of the disputed domain name for decades, making it unlikely that the Respondent was not aware of the Complainant's trademark at the time of registration of the disputed domain name. Additionally, the content of the website to which the disputed domain name resolved leaves no room for a doubt about the Respondent's knowledge of the Complainant and its LAMBORGHINI trademark and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain name.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

The website to which the disputed domain name resolved made extensive use of the Complainant's LAMBORGHINI trademark, going beyond mere referential use that could be expected from a car rental website offering Lamborghini vehicles. As indicated above, the Respondent adopted the name "Mr. Lamborghini" and prominently featured the Complainant's trademark within its logo. In the Panel's view, such use, in connection with the commercial nature of car rental services, falls under paragraph 4(b)(iv) of the Policy, and the Respondent, by using the disputed domain name, has intentionally attempted 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.

While the disputed domain name no longer resolves to an active website, such change of use and current passive holding does not prevent a finding of bad faith given the totality of the circumstances of the case at hand (WIPO Overview 3.0, section 3.3).

The Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lamborghinirentaldubaii.com**: Transferred

PANELLISTS

Name	**Stefan Bojovic**

DATE OF PANEL DECISION 2025-12-19

Publish the Decision