Decision for dispute CAC-UDRP-108163

Case number	CAC-UDRP-108163
Time of filing	2025-12-02 11:41:00
Domain names	lamborghinicn.com

Case administrator

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

Complainant

Organization	Automobili Lamborghini S.p.A.

Complainant representative

Organization	HK2 Rechtsanwälte

Respondent

Organization	(Shenzhen Tencent Computer Systems Co., Ltd.)

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 owner of the following “Lamborghini” trademarks:

Registration	Type	No.	Date	Classes	Territory
EUIPO	Word	001098383	August 3,1999	7, 9, 12, 14, 16, 18, 25, 27, 28, 36, 37, 41	EU
US	Word	74019105	August 21,1990	12	USA
IR	Word	460178	March	3, 4, 9, 12, 14, 16, 18,	AT - BX - CH - DE - EG - ES - FR - MC

			28,1981	25, 28, 34	
IR	Word	959504	February 28, 2008	12, 28	JP, BY, TJ, VN, BT, HR, LS, LR, TR, NO, DZ, OM, ME, BH, MK, SY, SZ, UZ, KG, MD, KE, MA, SD, KP, KR, MZ, SG, CU, AU, SL, MN, IR, IS, AZ, SM, KZ, BA, UA, RS, RU, LI, AL, NA, CN, AM

The Complainant also owns one national and one international trademark "Lambo", which is a part of the trademark "Lamborghini" and a well-known and common abbreviation of Lamborghini.

The Complainant also asserts rights in the domain name <lamborghini.com>.

FACTUAL BACKGROUND

The Complainant is an Italian manufacturer of high-performance sports car based in Sant'Agata Bolognese, Italy. It was founded in 1963 by Ferruccio Lamborghini as Automobil Ferruccio Lamborghini.

The Complainant's group promotes Lamborghini cars in different languages worldwide on the internet and is widely known not only as a trademark but as the Complainant's name.

The disputed domain name <lamborghinicn.com> was registered on June 4, 2025.

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 Complainant has, to the satisfaction of the Panel, shown that 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).

The Complainant has established rights in the "Lamborghini" trademark for its goods and services in multiple jurisdictions.

The first element of the Policy involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name, assessed on a side-by-side basis. See F. Hoffmann-La Roche AG v. P Martin, WIPO Case No. D2009-0323. WIPO Overview 3.0, section 1.7.

Where the complainant's mark is recognisable within the disputed domain name, the standing or threshold test for identity or confusing similarity is satisfied. See WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin.

Here, the disputed domain name incorporates the Complainant's trademark "Lamborghini" together with the geographical suffix "cn", which refers to China. The "Lamborghini" trademark is clearly recognisable as the dominant element of the disputed domain name. This is sufficient to establish confusing similarity under the first element of the Policy.

The mere addition of the geographical term "cn" to the "Lamborghini" trademark does not prevent a finding of confusing similarity as this would reasonably be understood to be a location specific offering of the Complainant's Lamborghini cars in that territory or country. See Automobili Lamborghini S.p.A. v. Johan Schepers, WIPO Case No. D2021-1154 <Lamborghiniantwerp.com>; Automobili Lamborghini S.p.A. v. Registration Private, Domains By Proxy, LLC / Cyrus Klaesi, WIPO Case No. D2022-1246 <lamborghinicharlotte.com; Automobili Lamborghini S.p.A. v. Aditya Roshni, Web Services Pty, WIPO Case No. D2022-2438 <lamborghinidenver.com>; Automobili Lamborghini S.p.A. v. hevi serdar, The Social Momentum, WIPO Case No. D2023-2282 <lamborghiniemirates.com>.

The addition of the gTLD ".com" to the disputed domain name also does not add any distinctiveness to the disputed domain name and will be disregarded for the purposes of considering this ground. WIPO Overview 3.0, section 1.11.1.

Accordingly, the Panel considers that this ground is made out.

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).

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests, after which the burden shifts to the respondent to demonstrate such rights or legitimate interests in the domain name.

If the respondent fails to discharge this burden, paragraph 4(a)(ii) of the Policy is satisfied. See Croatia Airlines d.d. v. Modern Empire Internet Ltd, WIPO Case No. D2003-0455; Document Technologies, Inc. v. International Electronic Communications Inc., WIPO Case No. D2000-0270; Europay International S. A. v. Eurocard.com, WIPO Case No. D2000-0173; Do The Hustle, LLC v. Tropic Web, WIPO Case No. D2000-0624.

In the present case, the disputed domain name was registered well after the Complainant's "Lamborghini" trademark was registered. There is no evidence that the Respondent holds any trademark rights in, or is commonly known by, the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name for several reasons, which the Panel accepts.

First, there is no indication of any use, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Rather, the Complainant's evidence shows that the Respondent used an e-mail address created under the disputed domain name (b2b@lamborghinicn.com) to send fraudulent e-mails to third parties, including Swedish authorities, falsely purporting to act on behalf of the Complainant's Chinese legal counsel to obtain approval for the shipment of unlicensed goods.

Secondly, such use, being part of an apparent counterfeit scheme and involving impersonation of the Complainant's legal representatives, is deceptive and likely to be criminal in nature and can never confer rights or legitimate interests. Section 2.13.1 of the WIPO Overview 3.0 confirms that the use of a domain name for per se illegal activities, including phishing, impersonation, and other fraudulent conduct, cannot give rise to any rights or legitimate interests on the part of a respondent.

Thirdly, the Respondent is not a licensee of the Complainant and has received no consent, permission, or authorisation to use the "Lamborghini" trademark in connection with the disputed domain name.

The Respondent has not filed any administrative compliant response and has therefore not rebutted the Complainant's prima facie case or advanced any basis on which rights or legitimate interests might be found.

Accordingly, the Panel finds this ground made out.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that 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).

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances which, if present, constitute evidence of registration and use of a domain name in bad faith, including where a respondent has intentionally attempted to attract, for commercial gain, Internet users to its online location by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation, or endorsement.

The evidence shows that the Complainant's "Lamborghini" trademark is well known and has a worldwide reputation, including in China. It also shows that the Complainant has a strong online presence via its official website.

In the present case, the disputed domain name wholly incorporates the Complainant's "Lamborghini" trademark together with the geographical suffix "cn", and was registered well after the Complainant established and used its well-known trademark for its luxury sports cars and related goods and services worldwide.

Given the fame and distinctiveness of the "Lamborghini" trademark, the Panel considers it implausible that the Respondent was unaware of the Complainant's trademark rights. The Respondent must have known, or at least should have known, of those rights when registering the disputed domain name.

Further, the Complainant has provided evidence that the Respondent used an e-mail address created under the disputed domain name to impersonate the Complainant's authorised representatives in communications with Swedish authorities in connection with a shipment of unlicensed goods.

Such conduct, the Complainant contends, forms part of a counterfeit scheme and constitutes per se illegal activity, including impersonation and fraud, which panels regard as manifest evidence of bad faith and for which no good-faith purpose is conceivable.

The Panel finds that the use of a disputed domain name for such illegal activities can never confer rights or legitimate interests and is clear evidence of bad faith registration and use.

The Panel further finds that the Respondent has made use of a privacy or proxy service to conceal its identity in connection with the disputed domain name. While privacy services may have legitimate purposes, the Panel considers their deployment in the context of trademark-abusive or unlawful activity is a strong indicator of bad faith, particularly where the concealment appears designed to frustrate contact or accountability.

In the present case, the Panel considers the Respondent's masking of its identity, coupled with the evidence of documented fraudulent use of the disputed domain name, reinforces the inference of bad faith.

There is also no evidence of any conceivable good-faith use of the disputed domain name by the Respondent.

The Respondent has failed to file any administrative compliant response.

The Panel finds that the Respondent has intentionally registered and used the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's "Lamborghini" trademark for commercial gain, in contravention of paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds this ground made out.

PROCEDURAL FACTORS

Language of the proceedings

The Complainant requests that the proceedings be in English, despite the language of the Registration Agreement for the disputed domain name being Chinese.

Rule 11 provides that, unless otherwise agreed to by the Parties or specified otherwise in the Registration Agreement, the language of the administrative proceedings shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise having regard to the circumstances of the administrative proceedings.

The Complainant asserts that the Respondent is familiar with English, noting that fraudulent emails sent from an address under the disputed domain name were drafted in English, and that the disputed domain name is a .com gTLD registered in Latin script corresponding to the Complainant's mark. The Complainant further asserts that it has no knowledge of Chinese, that English is widely used in international commerce and dispute resolution, and that requiring translation of the Complaint and annexes into Chinese would cause unwarranted delay and additional cost, contrary to the efficiency and fairness objectives reflected in the Rules and the guidance in section 4.5 of the WIPO Overview 3.0.

The Panel accepts the Complainant's contentions and considers that English represents a fair and appropriate language of compromise in the circumstances, in line with established UDRP practice, including Orlane S.A. v. Yu Zhou He / He Yu Zhou, WIPO Case No. D2016-1763, where English was adopted notwithstanding a Chinese-language registration agreement in comparable circumstances.

The Panel also considers that the Respondent has been given a fair opportunity to participate in the proceedings and to object to English but has filed no administrative compliant response.

Accordingly, the Panel will proceed to determine this proceeding in the English language.

Notification of proceedings to the Respondent

When forwarding a Complaint, including any annexes, electronically to the Respondent, paragraph 2 of the Rules states that CAC shall employ reasonably available means calculated to achieve actual notice to the Respondent.

Paragraphs 2(a)(i) to (iii) set out the sort of measures to be employed to discharge CAC's responsibility to achieve actual notice to the Respondent.

On December 23, 2025, the CAC by its non-standard communication stated as follows (omitting irrelevant parts):

"Please be aware that the CAC was not able to send the written notice to the Respondent as the address provided by the Registrar in Registrar verification does not exist. The postal service provider would not be able to deliver a written notice to such an address.

No other address for correspondence was found on the disputed domain name.

As far as the e-mail notice is concerned, we received a confirmation that the e-mail notice sent to <postmaster@lamborghinicn.com> was returned back non-delivered as the e-mail address had permanent fatal errors.

The e-mail notice was also sent to < qywx_xinnet@tencent.com>, but we never received any proof of delivery or notification of nondelivery.

No further e-mail address could be found on the disputed site.

The written notice was sent both in Chinese and English language.

The Respondent never accessed the online platform."

Given the reasonable measures employed by CAC as set out in the above non-standard communication, 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 Complainant owns the international trademark "Lamborghini" as well as the domain name incorporating its trademark, namely <Lamborghini.com, which is used in connection with its goods and services.

The Respondent registered the disputed domain name on June 4, 2025, well after the Complainant established its rights in the "Lamborghini" trademark and its domain name.

The Complainant challenges the registration of the disputed domain name under paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy, seeking transfer of the disputed domain name.

The Respondent failed to file any administrative compliant response.

For the reasons articulated in the Panel's findings above, the Panel is satisfied that:

a. The disputed domain name is confusingly similar to the Complainant's trademark "Lamborghini".
b. The Respondent has no rights or legitimate interests in respect of the disputed domain name.
c. The disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lamborghinicn.com**: Transferred

PANELLISTS

Name	**William Lye OAM KC**

DATE OF PANEL DECISION 2025-12-28

Publish the Decision