Decision for dispute CAC-UDRP-108554

Case number	**CAC-UDRP-108554**
Time of filing	**2026-04-20 09:44:24**
Domain names	**notinstorecz.com, notinstore-es.com**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**Notino, s.r.o.**

Respondent

Name	**Otavio Carlos Eduardo Mateus Rezende**

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner inter alia of European Union trademark NOTINO n° 015221815, registered on June 28, 2016.

FACTUAL BACKGROUND

The Complainant, Notino, s.r.o., is the owner of several NOTINO word and figurative trademarks registered in the European Union, under which the Complainant runs e-shops via the domain name <notino.cz> and other variations, selling cosmetics, perfumes and other related goods in and outside the EU.

PARTIES CONTENTIONS

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

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(1) 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; and

(2) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(3) the disputed domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See WIPO Jurisprudential Overview 3.1 at paragraph 4.3; see also eGalaxy Multimedia Inc. v. ON HOLD By Owner Ready To Expire, FA 157287 (Forum June 26, 2003) (“Because Complainant did not produce clear evidence to support its subjective allegations [. . .] the Panel finds it appropriate to dismiss the Complaint”).

As to the first element, the Complainant has shown that it has rights in the NOTINO mark. The Panel finds the disputed domain names <notinstorecz.com> and <notinstore-es.com to be confusingly similar to that mark because they omit the letter “o” and merely add the word “store” and the abbreviation “cz” or a hyphen and the abbreviation “es” which do nothing to distinguish those domain names from the mark. The inconsequential top-level domain “.com” may be ignored under this element. The Complainant has established this element.

As to the second element, paragraph 4(c) of the Policy sets out three illustrative circumstances as examples which, if established by the Respondent, shall demonstrate rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy, i.e.

(i) before any notice to the Respondent of the dispute, the use by the Respondent of, or demonstrable preparations to use, the domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent (as an individual, business or other organization) has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names, stating:

“The interchangeability of the domain is even supported by the fact that on this domain there are e-shops offering cosmetics, perfumes and other related goods to customers. This domain runs a similar business as Notino and operates activities protected by the Notino trademarks. The holder of the disputed domain violates the rights of the applicant and Notino to use this name (i.e. rights

to the applicant's domain, registered Notino trademarks and the company name of Notino). The holder of the domain name is therefore not entitled to use such domain name and should immediately stop using it in order to stop violating the rights of the applicant and Notino. Also, the holder of the above-mentioned domain is in bad faith when running the same business activities as Notino, i.e. they offer cosmetics, perfumes and other related goods, on identical or confusingly similar domains. Therefore, the holder of the disputed domain obviously intends for commercial gain to misleadingly divert consumers and to tarnish the Notino trademarks."

The Complaint does not provide evidence of the registration date of the disputed domain names nor the content of the websites to which they resolve. However, noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in these proceedings. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8. Based on such research, the Panel notes that the <notinstorecz.com> and < notinstore-es.com> domain names were both registered on January 23, 2026, and that they both resolve to websites prominently displaying the Complainant's NOTINO mark and offering well-known perfumes and fragrances for sale.

These circumstances, together with the Complainant's assertions, are sufficient to constitute a prima facie showing of absence of rights or legitimate interests in respect of the disputed domain names on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show that it does have rights or legitimate interests in the disputed domain names. See JUUL Labs, Inc. v. Dryx Emerson / KMF Events LTD, FA1906001849706 (Forum July 17, 2019). The Respondent has made no attempt to do so.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant has established this element.

As to the third element, paragraph 4(b) of the Policy sets out four illustrative circumstances, which, though not exclusive, shall be evidence of the registration and use of a domain name in bad faith for purposes of paragraph 4(a)(iii), including:

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

The circumstances set out above in relation to the second element satisfy the Panel that the Respondent was fully aware of the Complainant's NOTINO mark when the Respondent registered the disputed domain names and that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's websites, by creating a likelihood of confusion with the Complainant's mark as to the source of the Respondent's websites and of the goods promoted on those websites. This demonstrates registration and use in bad faith under paragraph 4(b)(iv) of the Policy. The Complainant has established this element.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **notinstorecz.com**: Transferred
2. **notinstore-es.com**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2026-05-14

Publish the Decision