Decision for dispute CAC-UDRP-108485

Case number	CAC-UDRP-108485
Time of filing	2026-08-03 09:58:55
Domain names	fabiana-filippi.com

Case administrator

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

Complainant

Organization	FABIANA FILIPPI SPA

Complainant representative

Organization	Barzanò & Zanardo S.p.A.

Respondent

Name	Auwal Haruna

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 a manufacturer of women's garments which are marketed under the FABIANA FILIPPI registered trademark for which it holds the following portfolio of registrations:

Italian registered trademark FABIANA FILIPPI (figurative) registration number 301992900238830, registered on December 20, 1994, for goods in class 25;

International trademark registration FABIANA FILIPPI, registration number 1161316 registered on March 26, 2013, for goods and services in classes 14 and 35;

International trademark registration FABIANA FILIPPI, registration number 1048526 registered on May 19, 2010, for goods in classes 3, 18, and 25.

FACTUAL BACKGROUND

The disputed domain name <fabiana-filippi.com> was registered on January 26, 2026, and resolves to a website in the French language purporting to offer garments bearing Complainant's mark for sale.

There is no information available about the Respondent, who availed of privacy service to conceal its identity on the published WhoIs, except for the information in the Complaint, the Registrar's WhoIs and the information provided by the Registrar in response to the request by the Center to provide details of the registration of the disputed domain name for the purposes of this proceeding.

PARTIES CONTENTIONS

The Complainant

The Complainant claims rights in the FABIANA FILIPPI trademark, established by its ownership of the portfolio of trademark registrations described above and extensive use of the mark on fashion products in many jurisdictions across the world.

The Complainant submits that it is an Italian company active in the luxury fashion sector, specializing in the design, production, and distribution of high-end women's ready-to-wear and knitwear collections.

It is further submitted that the company name and the FABIANA FILIPPI trademark are closely linked to the family of the Mario and Giacomo Filippi Coccetta brothers who founded the company in 1985.

The Complainant adds that it has produced knitwear since 1990 and expanded its offering to include tailored garments in 2000. In 2007, it expanded its offering to include ready-to-wear collections, ranging from trousers and jackets to outerwear and shirting. In 2012, it commenced marketing accessories, bags and shoes, all rigorously "Made in Italy".

The Complainant further submits that it has successfully penetrated markets across Asia, the United States, South America, the Middle East and Europe. It now employs a workforce of approximately 266 people and operates more than 700 points of sale across 63 countries worldwide.

The Complainant firstly alleges that the disputed domain name is identical to the FABIANA FILIPPI mark as it consists of the mark in its entirety with the mere addition of a hyphen between the two elements which is likely to go unnoticed by Internet users.

In support of its argument, the Complainant refers to section 1.7 of the WIPO Overview 3.1 which states that "where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark under the first element of the UDRP".

Secondly the Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name arguing that:

the Complainant has no relationship whatsoever with the Respondent;

the Respondent is not a licensee, distributor nor reseller of the Complainant, nor has it ever been authorized to use the Complainant's mark in any manner, including as part of the disputed domain name;

there is no evidence that the Respondent has acquired any rights in a trademark or trade name corresponding to the disputed domain name;

to the best of the Complainant's knowledge, the Respondent does not appear to be commonly known by the disputed domain name;

the disputed domain name is identical to the Complainant's trademark and to the domain name <fabianafilippi.com> which the Complainant has owned since 1999, and has continuously used its domain name to host its official website, therefore the disputed domain name carries a high risk of implied affiliation with the Complainant (see section 2.5.1 of the WIPO Overview 3.1).

Furthermore, the Complainant refers to a screen capture of the website to which the disputed domain name resolves which is exhibited in an annex to the Complaint. The Respondent's website features the Complainant's FABIANA FILIPPI mark and displays a picture of one of the Complainant's stores, clearly showing the FABIANA FILIPPI shop sign, the trademark and the Complainant's products. The website also includes a video of the "Fabiana Filippi Summer 2020 Campaign", information about the Complainant and its activity, and images of the Complainant's products, including a photograph depicting a headless model wearing one of the Complainant's garments. The Complainant submits that all of this material is protected by copyright, and the relevant rights vest exclusively in the Complainant.

The screen capture further shows that the website includes purported testimonials from the Complainant's customers. The Complainant submits that the inclusion of a photograph of one of its stores and alleged testimonials from its customers, are likely to mislead Internet users into believing that the disputed domain name and the corresponding website are operated by, or otherwise affiliated with, the Complainant, or possibly by one of its authorised distributors or resellers.

Furthermore, the Complainant submits that by clicking on the "vérifier le prix" buttons located beneath each of the three garment images on the Respondent's website, users are redirected to the www.Amazon.fr website.

Two of the three redirects lead to www.Amazon.fr pages promoting the sale of clothing and other goods that do not originate from the Complainant and are offered for sale at very low prices. In only one instance, the Amazon platform displays, among other products, an alleged FABIANA FILIPPI branded garment.

Thirdly the Complainant alleges that the disputed domain name was registered and is being used in bad faith, arguing that that the Respondent could not have been unaware of the existence of the FABIANA FILIPPI trademark at the time of the registration of the disputed domain name, because FABIANA FILIPPI is not merely a name and a surname, but is intrinsically linked to the Complainant, being both the personal name of the founders' daughter and niece, and the Complainant's company name.

The Complainant argues that in registering the disputed domain name the Respondent targeted the Complainant and its FABIANA FILIPPI mark in order to take advantage of the goodwill associated with the mark and to increase the likelihood of redirecting Internet users to its affiliate pages on www.Amazon.fr for commercial gain.

With respect to use in bad faith, the Complainant argues that the disputed domain name resolves to a highly misleading website featuring the FABIANA FILIPPI mark and reproducing the Complainant's copyrighted materials. The exhibited screen capture shows that the Respondent's website contains no disclaimer indicating the absence of any relationship with the Complainant and, on the contrary, displays a 2026 copyright notice referring to "FABIANA FILIPPI", thereby exacerbating the likelihood of confusion.

The Complainant argues that by using the disputed domain name that is virtually identical to the Complainant's trademark and the name of the Complainant's official website www.fabianafilippi.com, the Respondent is impersonating the Complainant and operating a website that falsely appears to be owned, sponsored, authorized, or endorsed by the Complainant.

The Complainant contends therefore that it is clear that the Respondent is using the disputed domain name to intentionally capitalize on the goodwill associated with the FABIANA FILIPPI mark by attracting Internet users to the Respondent's website and redirecting them to the www.amazon.fr marketplace, where competing products are advertised and offered for sale.

The 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

Identical or Confusingly Similar

The Complainant has provided convincing, uncontested evidence of its rights in the FABIANA FILIPPI mark, established by the ownership of the trademark registrations described above and extensive use of the mark in the Complainant's business marketing garments and accessories with a workforce of approximately 266 people, operating more than 700 points of sale across 63 countries worldwide.

The disputed domain <fabiana-filippi.com> consists of Complainants' trademark in its entirety together a hyphen and the generic Top-Level Domain ("gTLD") extension <.com>.

It is well established that, as in this case, where a domain name at issue is confusingly similar to the mark relied upon by a

complainant, a panel may make a finding of confusingly similarity.

The hyphen is likely to go unnoticed by Internet users and does not prevent a finding of confusing similarity.

Also, it is well accepted that a gTLD extension, in the present proceeding <.com> may be ignored for the purposes of comparison because it would be considered to be a necessary technical requirement for a domain name registration.

Applying these principles the Panel finds that the disputed domain name is confusingly similar to the FABIANA FILIPPI mark in which the Complainant has rights and the Complainant has therefore succeeded in the first element of the test in Policy Paragraph 4(a)(i).

Rights or Legitimate Interests

The Complainant has made out a prima facie case that the Respondent has no rights legitimate interests in the disputed domain names as set out in Complainant's detailed submissions above.

In particular that the disputed domain name which is almost identical to the Complainant's trademark is being used to resolve to a website which purports to present itself as being owned by or associated with the Complainant, and contains links to a third party website that offers third party products for sale that directly compete with those offered by the Complainant.

It is well established that once a complainant makes out a prima facie case that a respondent has no rights or legitimate interests in the domain name at issue, the burden of production shifts to the respondent to prove its rights or legitimate interests.

Respondent has failed to discharge that burden and therefore this Panel must find that Respondent has no rights or legitimate interests in the disputed domain name.

Complainant has therefore succeeded in the second element of the test in Policy Paragraph 4(a)(ii).

Bad Faith

The Complainant has adduced clear and convincing, uncontested evidence that it has long established registered trademark rights in the FABIANA FILIPPI mark dating back at least to December 20, 1994 when the Complainant's Italian trademark was registered.

By contrast the disputed domain name <fabiana-filippi.com> was not registered until January 26, 2026

FABIANA FILIPPI mark is a distinctive mark it is most improbable that the disputed domain name, which consists only of Complainant's mark and a hyphen, was chosen for any reason other than its similarity to the Complainant's mark, to create an association with the Complainant, its official website and the goodwill in the FABIANA FILIPPI mark.

Therefore, the Panel finds that, on the balance of probabilities, the disputed domain name was registered in bad faith with the Complainant in mind to take predatory advantage of the Complainant's goodwill and reputation in the FABIANA FILIPPI mark.

The uncontested evidence adduced by the Complainant shows that the disputed domain name is used as the address of a website that features the Complainant's FABIANA FILIPPI mark and displays a picture of one of the Complainant's stores, clearly showing the FABIANA FILIPPI shop sign, trademark and branded products. The website also includes a video of the "Fabiana Filippi Summer 2020 Campaign", information about the Complainant and its activity, and images of the Complainant's products, including a photograph depicting a headless model wearing one of the Complainant's garments. Overall, it is designed to impersonate the Complainant.

Such use of the Complainant's trademark within the disputed domain name as the address of the resolving website is on the balance of probabilities intentionally intended to attract and confuse Internet users and cause them to divert their Internet traffic intended for the Complainant and misdirect it to Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, which constitutes use of the disputed domain name in bad faith for the purposes of the Policy.

As this Panel has found that the disputed domain name was registered and is being used in bad faith, the Complainant has succeeded in the third element of the test in Policy Paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **fabiana-filippi.com**: Transferred

PANELLISTS

Name	**James Bridgeman**

DATE OF PANEL DECISION 2026-09-11

Publish the Decision