Decision for dispute CAC-UDRP-109035

Case number	**CAC-UDRP-109035**
Time of filing	**2026-09-26 23:46:03**
Domain names	**sensolatino.com**

Case administrator

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

Complainant

Name	**Endrizzi**

Respondent

Name	**Ludmila Sahachuk**

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

According to the submitted evidence and having reviewed the records, the Complainant claims the following registered trademark rights:

> - United States trademark for SENSOLATINO EYEWEAR (and design), Reg. No. 5709216, registered on March 26, 2019, in International Class ("IC") 9. **Status**: Dead / cancelled/invalidated: "Registration cancelled because the registrant did not file an acceptable declaration under Section 8."; and
>
> - International trademark SENSOLATINO EYEWEAR (and design), Reg. No. 5709216, registered on March 26, 2019, for Cl 9. **Official Status**: ENDED TRADEMARK USPTO (USA).

The Panel has found that, according to each trademark database, the trademarks have expired. The Panel notes that the Complainant provided trademark extracts that omit the current status of each trademark. Furthermore, the Complainant did not claim unregistered or common law trademark rights over the term SENSOLATINO and/or SENSOLATINO EYEWEAR.

Additionally, after a simple trademark search of the term SENSOLATINO in the WIPO Global Brand Database[1], the Panel found the following in-force trademark (based in India):

- International trademark for SENSOLATINO EYEWEAR (and design), Reg. No. 4217379, registered on June 26, 2019, in force until June 26, 2029, in International Class ("IC") 9; owned by: RITIKA JAIN.

[1] WIPO Global Brand Database: https://www.wipo.int/en/web/global-brand-database

FACTUAL BACKGROUND

The Complainant is a natural person who claims to belong to a family named "the Endrizzi Family", which claims to be the founder, creator, designer, investor, and lawful owner of the SENSOLATINO project and brand.

According to the Complainant, SENSOLATINO is a designer eyewear brand renowned for high-end polarized sunglasses, optical frames, and lifestyle accessories, which are also developed and crafted with Italian design values; the brand combines stress-resistant optical materials, UV400 polarized lenses, and modern ergonomic styling.

According to the Complainant, SENSOLATINO has operated continuously in international commerce for over a decade (with documented market presence and press features dating back to 2014–2015), and distributes its products across Europe, North America, and other global markets.

According to the Complainant, before the unlawful misappropriation in July 2026, the Complainant was the sole lawful holder, registrant, and administrator of <sensolatino.com>. The Complainant maintained the disputed domain name continuously for official commercial activities.

The disputed domain name <**sensolatino.com**> was registered on **August 21, 2025**, and currently resolves to a blank page website that states “Access Denied”.

PARTIES CONTENTIONS

Response

The Respondent did not reply to any of the Complainant's contentions, including any of the Procedural Orders.

Complainant Contentions:

The Complainant contends, in summary, that the disputed domain name is identical and confusingly similar to the Complainant's mark SENSOLATINO. The Respondent has no rights or legitimate interest in respect of the disputed domain name; in particular, that the Respondent is not using the domain name in connection with a bona fide offering of goods or services, nor a legitimate non-commercial fair use; that instead, the misappropriated disputed domain name has been deployed to resolve directly to an unauthorized online gambling and betting website branded as "1King Casino", as well as illicit redirects, phishing-risk mechanics, and adult-oriented/gambling lures, hijacking the disputed domain name and using it to divert traffic to unauthorized casino schemes cannot constitute a bona fide offering under Policy Paragraph 4(c)(i). The disputed domain name was registered and is being used in bad faith; in particular, given the use of the disputed domain name for illegitimate gambling schemes and deceptive practices, which constitutes severe brand tarnishment, trademark dilution, and disruption of the Complainant's established commercial operations.

RIGHTS

Because the Complainant has failed to establish the first element under Paragraph 4(a)(i) of the Policy, that finding is dispositive, and the Panel need not address the remaining elements.

NO RIGHTS OR LEGITIMATE INTERESTS

Not addressed.

BAD FAITH

Not addressed.

PROCEDURAL FACTORS

On October 27, 2026, and October 28, 2026, in accordance with paragraph 10 of the Rules, the Panel issued Administrative Panel Orders, requesting additional evidence from the Complainant.

On October 28, 2026, the Complainant provided its Response to the Administrative Panel Order No. 1.

On October 29, 2026, the Complainant provided its Response to the Administrative Panel Order No. 2.

PRINCIPAL REASONS FOR THE DECISION

In accordance with Paragraph 4(a) of the Policy, **the onus is on the Complainant to prove**:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

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

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

The Panel reviewed the entire arguments and evidence and decided as follows:

Identical or Confusingly Similar

In this case, the Complainant has not shown rights in respect of a trademark or service mark for the purposes of the Policy. The Panel notes that the trademarks provided by the Complainant have expired. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), WIPO Overview 3.1, section 1.2.1.

> "Although the UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, **such rights must be in existence at the time the complaint is filed**." WIPO Overview 3.1, section 1.1.3.

Since its inception in 1999[2], the language of the Policy has been very clear in relation to the first element, where a trademark owner must sufficiently prove before the Panel that it owns trademark rights, whether registered or not, in order to establish the very basic ground in a UDRP Case. An abundance of domain name jurisprudence concerning the first element of the Policy already exists, in particular in the WIPO Overview 3.1, section 1; Johnson Brothers v. Bijan Biswas, DDoSCure, WIPO Case No. D2024-1364; HONEYTECH LTD v. Sarib Khan, CAC-UDRP-108233.

The Panel also considered whether the submission of the Complaint constituted Reverse Domain Name Hijacking (RDNH); however, the evidence and overall record do not clearly demonstrate that the Complainant acted in bad faith or intentionally submitted improper evidence. Consequently, the Panel finds no basis for a finding of RDNH, but emphasizes the critical importance of providing accurate and up-to-date trademark registry extracts.

Therefore, having offered the Parties a fair opportunity to present their case in accordance with Paragraph 10 of the Rules (including through Procedural Orders), the Panel finds that the Complainant has failed to satisfy the first element. Consequently, the Panel finds it unnecessary to address the remaining elements of the Policy and **DISMISSES** the Complaint, without prejudice to the filing of a new complaint regarding this domain name.

[2] WIPO Internet Domain Name Processes at https://www.wipo.int/en/web/amc/processes/index

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **sensolatino.com**: Remaining with the Respondent

PANELLISTS

Name	**María Alejandra López García**

DATE OF PANEL DECISION 2026-10-30

Publish the Decision