



**URS | DETERMINATION**  
(URS Procedure 9, URS Rules 13)

**URS DISPUTE NO. 08E6ADA8**

Determination DEFAULT

**I. PARTIES**

Complainant(s): Capri S.r.l. (IT)  
Complainant's authorized representative: Spheriens (IT)

Respondent(s): Yan Hu (CN)

**II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR**

Domain Name(s): ALCOTT-IT.SHOP  
Registry Operator: GMO Registry, Inc.  
Registrar: Chengdu west dimension digital technology Co., LTD

**III. PROCEDURAL HISTORY**

Complaint submitted: 2024-02-01 14:48  
Lock of the domain name(s): 2024-02-05 16:31  
Notice of Complaint: 2024-02-06 09:41  
Default Date: 2024-02-21 00:00  
Notice of Default: 2024-02-21 12:25  
Panel Appointed: 2024-02-21 12:25  
Default Determination issued: 2024-02-26 11:24

**IV. EXAMINER**

Examiner's Name: Paddy Tam

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

**V. RELIEF SOUGHT**

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

**VI. STANDARD OF REVIEW**

Clear and convincing evidence.

**VII. DISCUSSIONS AND FINDINGS**

## **A. Complainant:**

The Complainant, Capri S.r.l., is a well-known Italian company active in the manufacturing, marketing, and selling of fashion clothing and accessories especially for the youngers since 1988. The Complainant markets and sells its products under the ALCOTT trademark all over the world, mainly online or through local distributors as well as flagship stores located all around Italy. As a result of the Complainant's extensive advertising and promotional efforts, as well as its commercial success, the ALCOTT trademark has become well-known.

The Complainant has sought to protect its rights on the ALCOTT trademark and to maintain its exclusivity therein by obtaining more than 133 registrations for ALCOTT and similar marks in more than 68 countries since 1990, including but not limited to the followings:

- Italian trademark registration No. 750892 ALCOTT, in classes 14, 18 & 25;
- EUTM trademark registration No. 004368296 ALCOTT, in classes 3, 9, 14, 18 & 25.

In addition, since 2000 the Complainant has registered domain names comprising the mark ALCOTT, including the primary domain names "alcott.it" and "alcott.eu".

The Complainant asserts the following regarding the Respondent:

1. The registered domain name is identical or confusingly similar to a word mark [URS 1.2.6.1]: For which the Complainant holds a valid national or regional registration and that is in current use;
2. The Registrant has no legitimate right or interest to the domain name [URS 1.2.6.2];
3. The domain name was registered and is being used in bad faith [URS 1.2.6.3].

## **B. Respondent:**

The Respondent appears to be an individual based in Anhui, China.

## **C. Procedural findings:**

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

## **D. Findings of fact:**

The Registration Date of the Disputed Domain Name is:

ALCOTT-IT.SHOP: 2023-11-02

Despite the Respondent has defaulted, the Examiner is still required to review the case on the merits of the claim. [URS 6.3]

## **E. Reasoning:**

### **1. The domain name(s) is(are) identical or confusingly similar to a word mark**

To satisfy URS 1.2.6.1, a Complainant shall prove its rights in a word mark which is in use and that the domain name is identical or confusingly similar to the word mark.



In the present case, the Examiner is satisfied that the Complainant is a well-known manufacturer of women fashion which also owns trademark registrations for the term ALCOTT in different jurisdictions.

The Complainant claims that the Disputed Domain Name is extremely similar to the Complainant's ALCOTT trademark, which is entirely included in the Disputed Domain Name, unquestionably causing confusion among Internet users. The mere additional elements are (i) "-it", which is an extension that merely refers to Italy and (ii) ".shop", which merely is a gTLD that has no capacity to distinguish a domain name from a trademark. Consequently, the only distinctive element of the disputed domain name is ALCOTT which is identical to the Complainant's trademark.

By doing side-by-side comparison, the Examiner accepts that the Disputed Domain Name is confusingly similar to the Complainant's ALCOTT trademark, and the additional hyphen "-", the letters "it" and the new gTLD ".shop" do not negate the similarity.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.1.

## **2. Respondent has no rights or legitimate interests to the domain name(s)**

To satisfy URS 1.2.6.2, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the domain name, and the burden of prove then shifts to the Respondent to show it does have rights or legitimate interests.

The Complainant asserts that the Respondent is not affiliated with the Complainant and, to the best of its knowledge, does not own any trademark for "alcott-it.shop". The Complainant has not licensed or otherwise authorized the Respondent to use its trademark or to apply for any domain name incorporating the same. Moreover, the Respondent is not commonly known by the Disputed Domain Name and does not make any bona fide use or trade under "alcott-it.shop".

Based on the allegation above, the Examiner finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name and the Respondent has not rebutted the assertion within the required Response period.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.2.

## **3. The domain name(s) was(were) registered and is(are) being used in bad faith**

To satisfy URS 1.2.6.3, the Complainant must prove both the registration and use of the domain name are in bad faith.

The Respondent registered the Disputed Domain Name merely recently, aiming at taking unfair advantage of the reputation of the Complainant's ALCOTT trademark. The Disputed Domain Name obviously confuses potential customers regarding the Respondent's affiliation with the Complainant and discourages users from locating the Complainant's website, thereby diluting the value of the Complainant's trademark. But the most relevant aspect of the case is that the Disputed Domain Name points to a website that mimics the Complainant's official website, reproducing its mark as well as the Complainant's copyrighted images without any

authorization. The Complainant also has reasons to believe that the products offered for sale are counterfeit.

Having reviewed the screenshots of the websites provided by the Complainant, and in the absence of a timely Response submitted by the Respondent, the Examiner agrees that the Respondent did have actual knowledge of the ALCOTT trademark demonstrating the bad faith registration, disrupts the Complainant's business and attempts to commercially benefit off the ALCOTT trademark in bad faith.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.3.

#### **4. Abusive Complaint**

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

### **VIII. DETERMINATION**

#### A. Demonstration of URS elements

Demonstrated

#### B. Complaint and remedy

Complaint: Accepts

Domain Name(s): ALCOTT-IT.SHOP  
Suspends for the balance of the registration period

#### C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

#### D. Publication

Publication: Publish the Determination

### **SIGNATURE**

Name: Paddy  
Surname: Tam  
Date: 2024-02-26