Decision for dispute CAC-UDRP-101616

Case number	CAC-UDRP-101616
Time of filing	2017-09-13 08:37:52
Domain names	INTESASANPAOLOVERIFICA.INFO

Case administrator

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

Complainant

Organization	Intesa Sanpaolo S.p.A.

Complainant representative

Organization	Perani Pozzi Associati

Respondent

Organization	null

OTHER LEGAL PROCEEDINGS

None.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of, among others, International trademark registration n. 920896 “INTESA SANPAOLO”, granted on March 07, 2007, in classes 9, 16, 35, 36, 38, 41 and 42, also covering the United States of America. It is also the owner of numerous “INTESA SANPAOLO” domain names connected to its website "www.intesasanpaolo.com".

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a company resulting from the merger (effective as of January 1, 2007) between Banca Intesa S.p.A. and Sanpaolo IMI S.p.A., two of the top Italian banking groups. It is now among the top banking groups in the euro zone. The Complainant’s trademark “INTESA SANPAOLO” is distinctive and well known all around the world.

On September 3, 2017, the Respondent registered the disputed domain name INTESASANPAOLOVERIFICA.INFO. Before access to the website to which the domain name resolved was blocked by Google Safe Browsing through a warning page, the domain name resolved to a website reproducing the Complainant’s trademark and website layout and seeking verification from Internet users' of their names, passwords and pin numbers.

PARTIES CONTENTIONS

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

In the absence of any Response, the Panel accepts the following submissions of the Complainant, which the Panel finds to be supported by the evidence presented with the Complaint.

THE DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The disputed domain name INTESASANPAOLOVERIFICA.INFO exactly reproduces the trademark “INTESA SANPAOLO”, with the mere addition of the descriptive word “verifica”, the Italian term for “verify”. In other words, it is clear that the expression “INTESASANPAOLOVERIFICA” aims to evoke the term “INTESA SANPAOLO” in conjunction with a verification activity which refers to the login operation for online bank account holders.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DOMAIN NAME

“Null” appears to be a fake identity having nothing to do with the Complainant. Nobody has been authorized or licensed by the Complainant to use the disputed domain name, which does not correspond to the name of the Respondent and, to the best of the Complainant's knowledge, “null” is not commonly known as “INTESASANPAOLOVERIFICA”. Nor is there evidence of any fair or non-commercial uses of the dispute domain name .

THE DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The fact that the Respondent has registered a domain name that is confusingly similar to the Complainant's trademark indicates that the Respondent then had knowledge of the Complainant’s trademark. Even a basic Google search in respect of the wording “INTESA SANPAOLO” would have yielded obvious references to the Complainant. This raises an inference of knowledge of the Complainant’s trademark on the part of the Respondent. Therefore, it is more than likely that the disputed domain name would not have been registered if it were not for Complainant’s trademark. This is a clear evidence of registration of the domain name in bad faith.

The domain name is not used for any bona fide offerings since it is connected to a website which has been blocked by Google. The present circumstances indicate that, by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of his web site (par. 4(b)(iv) of the Policy).

Before it was blocked, the domain name was connected to a webpage clearly created in order to steal the confidential banking information of Complainant's clients. That is undeniable evidence of "phishing", a form of Internet fraud that aims to steal valuable information such as credit card numbers, social security numbers, user Ids and passwords.

As stated in previous UDRP decisions and found by the Panel in the present case, the "use of a disputed domain name for the purpose of defrauding Internet users by the operation of a "phishing" website is perhaps the clearest evidence of registration and use of a domain name in bad faith": WIPO Case No. D2012-2093, The Royal Bank of Scotland Group plc v. Secret Registration Customer ID 232883 / Lauren Terrado. See also WIPO Case No. D2006-0614, Grupo Financiero Inbursa, S.A. de C.V. v. inbuirsa; Finter Bank Zürich v. N/A, Charles Osabor, WIPO Case No. D2005-0871 and Banca Intesa S.p.A. v. Moshe Tal, WIPO Case No. D2006-0228.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **INTESASANPAOLOVERIFICA.INFO**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2017-10-18

Publish the Decision