Decision for dispute CAC-UDRP-101676

Case number	CAC-UDRP-101676
Time of filing	2017-09-13 08:39:43
Domain names	INTESASANPAOLOVERIFICA.NET

Case administrator

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

Complainant

Organization	Intesa Sanpaolo S.p.A.

Complainant representative

Organization	Perani Pozzi Associati

Respondent

Name	Kara Turner

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 uses the domain names bearing the sign “INTESA SANPAOLO”: “INTESASANPAOLO.COM, .ORG, .EU, .INFO, .NET, .BIZ” and INTESA-SANPAOLO.COM, .ORG, .EU, .INFO, .NET, .BIZ”. All of them are connected to the official website of the Complainant.

The Complainant is furthermore the owner of the following registrations for the trademark “INTESA SANPAOLO”

- International trademark registration no. 920896 “INTESA SANPAOLO”, granted on March 07, 2007, in classes 9, 16, 35, 36, 38, 41 and 42;
- EU trademark registration no. 005301999 “INTESA SANPAOLO”, granted on June 18, 2007, in classes 35, 36 and 38;
- EU trademark registration no. 005421177 “INTESA SANPAOLO & device”, granted on November 5, 2007 in classes 9, 16, 35, 36, 38, 41 and 42.

FACTUAL BACKGROUND

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

The Complainant is the leading Italian banking group and also one of the protagonists in the European financial arena. The Complainant is the company resulting from the merger between Banca Intesa S.p.A. and Sanpaolo IMI S.p.A., two of the top Italian banking groups.

The Complainant is among the top banking groups in the euro zone, with a market capitalisation exceeding 47,5 billion euro, and the leader in Italy, in all business areas (retail, corporate and wealth management).

The Complainant is the owner of several domain names and trademarks containing the words ""INTESA SANPAOLO".

On September 5, 2017, the Respondent registered the Disputed domain name INTESASANPAOLOVERIFICA.NET.

The Disputed domain name was connected to a webpage reproducing the Complainant's trademark and website layout and is currently blocked by Google Safe Browsing through a warning page.

The Complainant contains that the Respondent has no rights to the Disputed domain name, since the Respondent Kara Turner has nothing to do with the Complainant Intesa Sanpaolo. Nobody has been authorized or licensed by the Complainant to use the Disputed domain name.

The Complainant furthermore states that its trademark "INTESA SANPAOLO" is distinctive and well known all around the world. The fact that the Respondent has registered a domain name that is confusingly similar to it indicates that the Respondent had knowledge of the Complainant's trademarks at the time of registration of the Disputed domain name.

In addition, the Disputed domain name is in the view of Complainant not used for any bone fide offerings, considering that the same is connected to a website which has been blocked by Google Safe Browsing through a warning page.

Complainant states that it is clear that the main purpose of the Respondent was to use the website for "phishing" financial information in an attempt to defraud the Complainant's customers, which is a clear evidence of bad faith.

Furthermore, another aim of the Respondent might be to resell the Disputed domain name to the Complainant, which represents an evidence of the registration and use in bad faith, according to par. 4(b)(i) of the Policy.

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

The Complainant has rights in the mark by virtue of its registered trademark INTESA SANPAOLO.

Many UDRP panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety (e.g.Volkswagen AG v. Nowack Auto und Sport - Oliver Nowack, WIPO Case No. D2015-0070 ; Chloé S.A.S. v. DVLPMNT Marketing, Inc., WIPO Case No. 2014-0039). The Panel shares this view in the case at issue where the Complainant's registered trademark INTESA SANPAOLO is fully included in the Disputed domain name and combined with the addition of the generic term "VERIFICA", the Italian term for "verify", and the gTLD suffix ".net".

The Panel agrees with the Complainant that the addition of the generic term "VERIFICA" without space or hyphen at the end of the Disputed domain name and the gTLD ".net" is not sufficient to escape the finding that the Disputed domain name is confusingly similar to the Complainant's trademark and does not change the overall impression of the designation as being connected to the trademark INTESA SANPAOLO, as the trademark INTESA SANPAOLO at the beginning of the Disputed domain name is the only distinctive part of the Disputed domain name.

Therefore the Panel finds, that the Disputed domain name <INTESASANPAOLOVERIFICA.NET> is confusingly similar to the Complainant's trademark INTESASANPAOLO.

The Complainant contends that the Respondent has made no use of, or demonstrable preparations to use, the Disputed domain name in connection with a bona fide offering of goods or services, is not making a legitimate non-commercial or fair use of the Disputed domain name, and is not commonly known under the Disputed domain name. The Complainant furthermore contends that the Respondent is not affiliated with nor authorized by Complainant in any way. Neither licence nor authorization has been granted to the Respondent to make any use of the Complainant's trademarks INTESASANPAOLO, or apply for registration of the Disputed domain name by the Complainant.

The Respondent is identified as "Kara Turner" .

The Panel notes that the Disputed domain name holder´s name or contact details contain no reference to INTESASANPAOLO or similar word or name. In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no right or legitimate interests in respect of the Disputed domain name <INTESASANPAOLOVERIFICA.NET>.

The Disputed domain name was connected to a webpage reproducing the Complainant's trademark and website layout and is currently blocked by Google Safe Browsing through a warning page.

A webpage reproducing the Complainant's trademark and website, where only an input mask is displayed to enter information cannot be a bona fide offering of goods or services.

The Panel believes that Respondent registered the Disputed domain name with knowledge of Complainant's rights. First, Complainant obtained its first trademark registration more than a decade before the Disputed domain name was registered and used it widely since then. Second, Respondent's used the Disputed domain name to resolve to a website using Complainant's trademark, which is a clear indication that Respondent was aware of the trademarks of Complainant and demonstrates knowledge and targeting of Complainant and its trademark, i.e.,registration in bad faith. Respondent registered a domain name containing the Complainant's trademark in its entirety and adding the generic term "VERIFICA", the Italian term for "verify" with a connected webpage, where users can enter information. Clearly, this behavior appears to be an attempt of phishing, which is also use in bad faith according to paragraph 4(b)(iv) of the Policy.

On these grounds, the Panel concludes that the Respondent has registered and is using the Disputed domain name <INTESASANPAOLOVERIFICA.NET> in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **INTESASANPAOLOVERIFICA.NET**: Transferred

PANELLISTS

Name	**Jan Christian Schnedler, LL.M.**

DATE OF PANEL DECISION 2017-10-18

Publish the Decision