Decision for dispute CAC-UDRP-101812

Case number	CAC-UDRP-101812
Time of filing	2017-12-18 16:16:56
Domain names	WWWALEXBANK.COM

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	Intesa Sanpaolo S.p.A.

Complainant representative

Organization	Perani Pozzi Associati

Respondent

Name	GEORGE WASHERE

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has unregistered rights in the mark "ALEX BANK" acquired through use of this mark by its subsidiary, Bank of Alexandria.

The Complainant has also applied to register "ALEX BANK" as a trademark in Egypt, but it is not clear that this application has been granted.

The Complainant has also registered "BANK OF ALEXANDRIA" as a trademark in the EU and Italy, but the Panel is not satisfied that the disputed domain name is confusingly similar to these marks.

FACTUAL BACKGROUND

The Complainant is the parent of a leading Italian banking group and a major shareholder of the Bank of Alexandria, which is commonly known as "Alex Bank" and is one of the largest banks in Egypt, with 210 branches across the country.

The Complainant has registered the domain name <alexbank.com> which is used to locate a website promoting the Bank of Alexandria.

The disputed domain name has been directed to a web page containing sponsored links to banks and financial services competing with the Complainant and its subsidiaries.

The Complainant sent a cease and desist letter to the Respondent but did not receive any reply.

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).

The Complainant has shown that its subsidiary, the Bank of Alexandria, has an established reputation and goodwill under the mark "ALEX BANK" and the Panel accepts that this is sufficient to confer unregistered rights in this mark. It is also apparent from the various registrations that have been made that the Complainant's entitlement to rights in marks used by the Bank of Alexandria is accepted within its group.

The disputed domain name is clearly confusingly similar to the mark ALEX BANK, since it may be typed instead of www.alexbank.com by a person seeking to access the website of ALEX BANK.

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). The Respondent's use of the disputed domain name for a web page containing sponsored links to competing banks and financial services is not a bona fide offering of goods or services, not a legitimate non-commercial or fair use. Nor is the Respondent commonly known by the disputed domain name.

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).

The Respondent has used the disputed domain name intentionally to attract Internet users to its website for commercial gain from sponsored links to the Complainant's competitors by creating a likelihood of confusion with the Complainant's mark. In accordance with paragraph 4(b)(iv) of the UDRP, this constitutes evidence of registration and use of the disputed domain name in bad faith. There is no material displacing this presumption.

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 disputed domain name is confusingly similar to the mark ALEX BANK in which the Complainant has unregistered rights. The Respondent has not made any legitimate use of the disputed domain name. The Respondent has used the disputed domain name intentionally to attract Internet users to its website for commercial gain from sponsored links to the Complainant's competitors by creating a likelihood of confusion with the Complainant's mark; paragraph 4(b)(iv) of the UDRP applies.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **WWWALEXBANK.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2018-01-27

Publish the Decision