# Decision for dispute CAC-UDRP-102361

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| Case number | CAC-UDRP-102361 |
| Time of filing | 2019-02-19 09:43:24 |
| Domain names | bankintesasanpaolo.com |

## Case administrator

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

## Complainant

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| Organization | Intesa Sanpaolo S.p.A. |

## Complainant representative

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| Organization | Perani Pozzi Associati |

## Respondent

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| Name | HOPE OKO OBOH |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided between the same parties and relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of International trademark no. 920896 “INTESA SANPAOLO”, registered on March 07, 2007 for goods and services in classes 9, 16, 35, 36, 38, 41 and 42 and of European Union trademark no. 5301999 “INTESA SANPAOLO”, registered on June 18, 2007 for services in classes 35, 36 and 38.

FACTUAL BACKGROUND

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

It results from the Complainant’s undisputed allegations that it is the leading Italian banking group. Intesa Sanpaolo is the 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. Intesa Sanpaolo is among the top banking groups in the Euro zone and the undisputed leader in Italy, in all business areas (retail, corporate and wealth management). Thanks to a network of approximately 4,200 branches throughout Italy, the Group offers its services to approximately 11,9 million customers. Intesa Sanpaolo has a strong presence in Central-Eastern Europe with a network of approximately 1.100 branches and over 7,5 million customers. Moreover, the international network specialised in supporting corporate customers is present in 25 countries, in particular in

the Mediterranean area and in the United States, Russia, China and India.
It also uses the official website <intesasanpaolo.com>.

The Complainant further contends its trademark INTESA SANPAOLO be distinctive and well-known all around the world.

The disputed domain name <BANKINTESASANPAOLO.COM> was registered on December 19, 2018 and resolved to a parking page sponsoring among others banking and financial services, for whom the Complainant's trademarks are registered and used.

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.

It is true that the Respondent sent a communication received on the on-line platform on March 6, 2019 stating that "Hello I have not replied because I am not in the country. I do not know about all of this my email was hacked and my personal information were stolen as a result the person that stole my identity used my personal information for this. I have already contacted godaddy to delete disputes domain, the email has been deleted and no longer in use and the domain will not be in existence once he current subscription has ended".
However, the Response Check provided by the ADR Center of the Czech Arbitration Court (CAC) underlined deficiencies in the Response, because it did not annex any documentary or other evidence upon which the Respondent relies, together with a schedule indexing such documents. The Response appeared not to describe the grounds on which it is made. Therefore, the Response was not admitted to proceed further in the Administrative Proceeding.
On March 25, 2019 the ADR Center of the Czech Arbitration Court (CAC) notified the Respondent's Default, i.e. the notification of administrative non-compliance(s) regarding the Response.

PRINCIPAL REASONS FOR THE DECISION

1. The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark. Many 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. This is the case in the case at issue where the Complainant's registered trademark "INTESA SANPAOLO" is fully included in the disputed domain name preceded by the generic term "BANK", which is related to the Complainant's business activity and is likely to increase the possibility of confusion amongst consumers.

2. In the absence of any Response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Complainant successfully presented its prima facie case and that the Respondent has no rights or legitimate interests in respect of the disputed domain name. In particular, the Respondent is not affiliated with nor authorized by the Complainant in any way, and he is not related in any way to the Complainant's business. In addition, the Respondent is not commonly known by the disputed domain name. Finally, the website to which the disputed domain name resolved is a parking page sponsoring among others banking and financial services. This Panel finds that such use can neither be considered as bona fide offering of goods or services nor a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

3. Finally, the Panel finds that the disputed domain name has been registered and is being used in bad faith. It is the view of this Panel that the Respondent has intentionally registered the disputed domain name which totally reproduces the Complainant's trademarks INTESA SANPAOLO. By the time the disputed domain name was registered, it is unlikely that the Respondent did not have knowledge of the Complainant's rights on its trademarks INTESA SANPAOLO. The Complainant also proved that the Respondent used the disputed domain name to lead to a parking page sponsoring amongst others banking and financial services, for which the Complainant's registered trademarks are used, so that the Panel is satisfied that the disputed domain name is used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location, or of a product or service on the Respondent's web site or location.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BANKINTESASANPAOLO.COM**: Transferred

## PANELLISTS

| Name | **Dr. Federica Togo** |
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DATE OF PANEL DECISION 2019-03-26

Publish the Decision