Decision for dispute CAC-UDRP-102783

Case number	CAC-UDRP-102783
Time of filing	2019-11-26 12:04:22
Domain names	INTESASAANPAOLO.COM

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	Intesa Sanpaolo S.p.A.

Complainant representative

Organization	Perani Pozzi Associati

Respondent

Name	Gavin Kent

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 owns several trademarks, including the following relevant trademark registrations:

- the International trademark n° 793367 for the word mark “INTESA”, registered on September 4, 2002 for services in class 36;

- the International trademark n° 920896 for the word mark “INTESA SANPAOLO”, registered on March 7, 2007 for goods and services in classes 9, 16, 35, 36, 41 and 42;

- the European Union trademark n° 012247979 for the word mark “INTESA”, registered on March 5, 2014, for goods and service in classes 9, 16, 35, 36, 38, 41 and 42;

- the European Union trademark n° 005301999 for the word mark “INTESA SANPAOLO”, registered on June 18, 2007, for services in classes 35, 36 and 38;

Such trademarks are hereinafter individually and jointly referred to as the "INTESA SANPAOLO trademarks".

FACTUAL BACKGROUND

The Complainant is an Italian banking group, which results from the merger (effective as of January 1, 2007) between Banca Intesa S.p.A. and Sanpaolo IMI S.p.A., two Italian banking groups.

The Complainant has a market capitalization exceeding 38,1 billion euro. The international network specialized in supporting corporate customers is present in 25 countries, in particular in the Mediterranean area and those areas where Italian companies are most active, such as the United States, Russia, China and India.

On September 8, 2019, the Respondent registered the disputed domain name. The disputed domain name reverts to a website that currently allows access to the Complainant’s competitors' websites.

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

1. The Panel finds that the disputed domain name is confusingly similar to the "INTESA SANPAOLO" trademarks as the only difference between the disputed domain name and the Complainant's trademarks is the addition of an "A" to the first A in the element "SANPAOLO" of the "INTESA SANPAOLO" trademarks are insignificant to the overall impression.

2. The Panel finds that the Complainant successfully made a prima facie case 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, neither is Respondent making a legitimate non-commercial or fair use of the disputed domain name, nor is Respondent commonly known under the disputed domain name. The Panel finds that the Complainant successfully demonstrated that the disputed domain name represents an example of typo squatting. The Complainant's allegations were not challenged by the Respondent.

3. In the absence of a Response, the Panel infers that the Respondent had the Complainant's "INTESA SANPAOLO" trademarks in mind when registering the disputed domain name, which was therefore registered and is being (passively) used in bad faith, in order to take advantage of the apparently intentional typographical error in the disputed domain name of the Complainant's trademarks.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **INTESASAANPAOLO.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2020-01-15

Publish the Decision