

Decision for dispute CAC-UDRP-103081

Case number	CAC-UDRP-103081
Time of filing	2020-05-29 08:34:26
Domain names	INTEINTESASANPAOLOAPP.COM, INTEINTESASANPAOLOAPP.BIZ

Case administrator

Name Šárka Glasslová (Case admin)

Complainant

Organization Intesa Sanpaolo S.p.A.

Complainant representative

Organization Perani Pozzi Associati

Respondent

Name ROMOLO AGOSTINI

OTHER LEGAL PROCEEDINGS

The Panel is not aware of other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks and domain names including the words "INTESA" and "SANPAOLO" separately or together.

In particular, the Complainant is the owner of the following "INTESA" and "INTESA SANPAOLO" trademarks:

- International trademark registration n° 793367 "INTESA", in class 36, priority 4 September 2002;
- International trademark registration n° 920896 "INTESA SANPAOLO", in classes 9, 16, 35, 36, 41, 42, priority 7 March 2007; -
- EU trademark registration n° 12247979 "INTESA", in classes 9, 16, 35, 36, 38, 41 and 42, priority 23 October 2013;
- EU trademark registration n° 5301999 "INTESA SANPAOLO", in classes 35, 36 and 38, priority 8 September 2006.

(The "INTESA" and "INTESA SANPAOLO" trademarks)

The Complainant is also the owner of the domain names "intesasanpaolo.com" and "intesa-sanpaolo.com".

FACTUAL BACKGROUND

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

The Complainant is a leading Italian banking group in the European financial area. The Complainant is among the top banking groups in the euro zone, and the leader in Italy, in all business areas (retail, corporate and wealth management). The Complainant offers its services to approximately 11,8 million customers.

The Complainant uses its "INTESA" and "INTESA SANPAOLO" trademarks and the domain names "intesasanpaolo.com" and "intesa-sanpaolo.com" in connection to its services worldwide.

The Respondent registered the domain names "inteintesasanpaoloapp.com" and "inteintesasanpaoloapp.biz" on 10 October 2019 ("the disputed domain names"). The domain names are not used for an active website, and it appears that they have never been used for an active website since being registered.

On 5 November 2019, the Complainant sent a cease and desist letter to the Respondent asking for the voluntary transfer of the disputed domain names. The Respondent did not react to this letter and did not comply with the request.

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 to have 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 Panel finds that the disputed domain names "inteintesasanpaoloapp.com" and "inteintesasanpaoloapp.biz" are confusingly similar to the Complainant's trademarks.

The Complainant contends that the Respondent has not been authorized by the Complainant to use the disputed domain names. The Respondent has made no use of the disputed domain names 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 names, and/or is not commonly known under the disputed domain names.

Moreover, the Panel notes that the Respondent's name or contact details contain no reference to "INTESA SANPAOLO" or any similar sign. The disputed domain names are not used for any active web site, although they were registered more than eight months ago.

In lack of any administratively compliant Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

The Complainant also proved that the Respondent has engaged in a pattern of conduct regarding bad faith domain name registration and use. The long-standing use and reputation of the trademarks by the Complainant indicates that the Respondent had knowledge of the Complainant's trademarks at the time of the registration of the disputed domain names.

The Panel finds that these facts, including the absence of a response, the pattern of conduct on the part of the Respondent, and the lack of use in a relevant way are sufficient proof that the disputed domain names have been registered and are being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **INTEINTESASANPAOLOAPP.COM**: Transferred
2. **INTEINTESASANPAOLOAPP.BIZ**: Transferred

PANELLISTS

Name	Tom Joris Heremans
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DATE OF PANEL DECISION **2020-07-08**

Publish the Decision
