Decision for dispute CAC-UDRP-103187

Case number	CAC-UDRP-103187
Time of filing	2020-07-29 16:47:14
Domain names	LNTESASANPAOIO.COM

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	Intesa Sanpaolo S.p.A.

Complainant representative

Organization	Perani Pozzi Associati

Respondent

Name	Alessandro Salluzzo

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 duly renewed and of European Union trademark no. 5301999 “INTESA SANPAOLO”, registered on June 18, 2007 for services in classes 35, 36 and 38 and duly renewed.

FACTUAL BACKGROUND

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 3,700 branches throughout Italy, the Group offers its services to approximately 11,8 million customers. Intesa Sanpaolo has a strong presence in Central-Eastern Europe with a network of approximately 1,100 branches and over 7,2 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 http://www.intesasanpaolo.com.

The Complainant further contends its trademark INTESA SANPAOLO to be distinctive and well-known.

The disputed domain name <LNTESASANPAOIO.COM> was registered on March 28, 2020 and resolved to a parking page displaying sponsored links.

The Complainant sent a cease and desist letter on May 6, 2020 asking for the voluntary transfer of the disputed domain name. However, the Respondent did not comply with this 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 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 < LNTESASANPAOIO.COM > is confusingly similar to the Complainant's trademark "INTESA SANPAOLO". In the case at issue the Complainant's registered trademark "INTESA SANPAOLO" is almost fully included in the disputed domain name. On this regard, it is the view of this Panel that the mere substitution of the letter "I" in the mark's verbal portion "INTESA" with an "L" and the substitution of the letter "L" in the term "PAOLO" with an "I" result to be a common, obvious or intentional misspelling of the trademark "INTESA SANPAOLO". Thus, the disputed domain name contains sufficiently recognizable aspects of the relevant mark (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0") at point 1.9.

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 displaying sponsored links. 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 employ a misspelling of the trademarks INTESA SANPAOLO of the Complainant. 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 was using the disputed domain name to lead to a parking page, displaying sponsored links, 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 website 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 website or location, or of a product or service on the Respondent's web site or location.

The finding of bad faith is also confirmed by the fact that Respondent failed to submit a response and to comply with the request sent through the cease and desist letter and the use of a privacy shield to hide its identity.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **LNTESASANPAOIO.COM**: Transferred

PANELLISTS

Name	**Dr. Federica Togo**

DATE OF PANEL DECISION 2020-09-07

Publish the Decision