

Decision for dispute CAC-UDRP-103537

Case number CAC-UDRP-103537

Time of filing 2021-02-01 09:59:58

Domain names INSTASANPAOLO.COM

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization Intesa Sanpaolo S.p.A.

Complainant representative

Organization Intesa Sanpaolo S.p.A.

Respondent

Name Mohammed Lawal Aliyu

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 is the owner of several "INTESA" and "INTESA SANPAOLO" trademarks, among which:

- the International trademark "INTESA" n° 793367;
- the International trademark "INTESA SANPAOLO" n° 920896;
- the EU trademark "INTESA" n° 12247979;
- the EU trademark "INTESA SANPAOLO" n° 5301999,

(hereafter "the INTESA and INTESA SANPAOLO trademarks").

The Complainant also uses the domain names <intesasanpaolo.com>, <intesasanpaolo.org>, <intesasanpaolo.eu>, <intesasanpaolo.info>, <intesasanpaolo.net>, <intesasanpaolo.biz>, <intesa-sanpaolo.com>, <intesa-sanpaolo.org>, <intesa-sanpaolo.eu>, <intesa-sanpaolo.info>, <intesa-sanpaolo.net>, <intesa-sanpaolo.biz>, <intesa.com>, <intesa.info>, <intesa.biz>, <intesa.org>, <intesa.us>, <intesa.eu>, <intesa.cn>, <intesa.in>, <intesa.co.uk>, <intesa.tel>, <intesa.name>, <intesa.xxx> and <intesa.me>, which are all connected to the official website of the Complainant,

(hereafter "the INTESA and INTESA SANPAOLO domain names").

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 eurozone, and the leader in Italy, in all business areas (retail, corporate, and wealth management). The Complainant offers its services to approximately 14,6 million customers.

The Complainant uses the INTESA and INTESA SANPAOLO trademarks and the INTESA and INTESA SANPAOLO domain names in connection to its services worldwide.

The Respondent registered the domain name <instasanpaolo.com> on 9 April 2020 ("the disputed domain name"). The disputed domain name is currently not being used for an active website.

On 6 July 2020, the Complainant sent a cease-and-desist letter to the Respondent asking for the voluntary transfer of the disputed domain name.

The Complainant did not receive a response from the Respondent.

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 the Policy are met and that there is no reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

I. The disputed domain name is confusingly similar to the Complainant's trademarks

The Panel finds that the disputed domain name <instasanpaolo.com> is confusingly similar to the Complainant's INTESA SANPAOLO trademarks. The disputed domain name reproduces the Complainant's INTESA SANPAOLO trademarks, with the mere substitution of the term "INTESA" by the word "INSTA", which can be seen as typosquatting.

II. 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

The Panel notes that the Complainant has never granted the Respondent any right to use the INTESA SANPAOLO

trademarks for the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

The Complainant contends 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, is not making a legitimate non-commercial or fair use of the disputed domain name, and is not commonly known under the disputed domain name.

The Panel notes that the Respondent's name or contact details contain no reference to INTESA or INTESA SANPAOLO or similar words or names. The disputed domain name is not used for any active website. The Respondent has not by virtue of the content of the website, nor by its use of the disputed domain name shown that it will be used in connection with a bona fide offering of goods or services.

Therefore, the Panel finds that the Complainant has shown that the Respondent has not made legitimate use of the disputed domain name for a bona fide offering of goods or services.

In lack of any 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 name.

III. The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name was registered and is being used in bad faith

The long-standing use and reputation of the INTESA or INTESA SANPAOLO trademarks of the Complainant indicate that the Respondent likely had knowledge of the Complainant's trademarks at the time of the registration of the disputed domain name.

Moreover, the failure of the Respondent to use the disputed domain name for bona fide offerings, the failure to respond and hence to present a credible evidence-backed rationale for registering and using the disputed domain name, and the passive holding of the disputed domain name all show that the Respondent has registered and used the disputed domain name in bad faith.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. INSTASANPAOLO.COM: Transferred

PANELLISTS

Name	Tom Joris Heremans
------	--------------------

DATE OF PANEL DECISION 2021-03-04

Publish the Decision
