

Decision for dispute CAC-UDRP-103903

Case number	CAC-UDRP-103903
Time of filing	2021-07-02 09:32:52
Domain names	accedi-gruppo-isp-banca-intesa-info.info

Case administrator

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

Organization	Intesa Sanpaolo S.p.A.
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Complainant representative

Organization	Intesa Sanpaolo S.p.A.
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Respondent

Name	Nanci Nette
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OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant owns various trade marks in various jurisdictions in various combinations of the words "INTESTA", "SANPALO", "GROUPO" and "ISP". They include:

- International trade mark registration n. 793367 "INTESTA", granted on September 4, 2002 and duly renewed, in class 36;
- International trade mark registration n. 920896 "INTESTA SANPAOLO", granted on March 7, 2007 and duly renewed, in classes 9, 16, 35, 36, 41, 42;
- EU trade mark registration n. 12247979 "INTESTA", applied on October 23, 2013 and granted on March 5, 2014, in classes 9, 16, 35, 36, 38, 41 and 42;
- EU trade mark registration n. 5301999 "INTESTA SANPAOLO", applied on September 8, 2006, granted on June 18, 2007 and duly renewed, in classes 35, 36 and 38;
- EU trade mark registration n. 5344544 "GRUPPO INTESA SANPAOLO", filed on September 28, 2006, granted on July 6, 2007

and duly renewed, in connection with classes 35, 36 and 38;

- EU trade mark registration n. 5302377 "BANCA INTESA SANPAOLO", filed on September 8, 2006, granted on July 6, 2007 and duly renewed, in connection with classes 35, 36 and 38; and

- EU trade mark registration n. 7310337 "ISP", filed on October 13, 2008, granted on February 12, 2010 and duly renewed, in connection with the class 36.

FACTUAL BACKGROUND

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

The Complainant is a part of the Intesa Sanpaolo Italian banking group. The group resulted from the merger (effective as of January 1, 2007) between Banca Intesa S.p.A. and Sanpaolo IMI S.p.A.

Intesa Sanpaolo is among the top banking groups in the euro zone, with a market capitalisation exceeding 47,0 billion euro. It has a network of approximately 4,700 branches in Italy and offers its services to approximately 13,5 million customers. It has a strong presence in Central-Eastern Europe with a network of approximately 1.000 branches and over 7.1 million customers. It also has corporate customers in 25 countries.

The Complainant is also the owner, inter alia, of the following domain names: <INTESASANPAOLO.COM>, <INTESA-SANPAOLO.COM.>, <OGRUPPOINTESASANPAOLO.COM>, <IBANCAINTESASANPAOLO.COM> and <BANCAINTESASANPAOLO-GROUP.COM>. All of these domain names connected to the Complainant's official website, which operates from the url <http://www.intesasanpaolo.com>.

On May 4, 2020, the Respondent registered the domain name <ACCEDI-GRUPPO-ISP-BANCA-INTESA-INFO.INFO> (the "Domain Name").

The words "ACCEDI", "GRUPPO" and "BANCA" mean "access", "group", "BANCA" and "bank" in Italian.

The Domain Name has not been used since registration for any active website.

On October 12, 2020 the Complainant's attorneys sent to the Respondent a cease and desist letter asking the Respondent to the voluntary transfer of the Domain Name. The Respondent did not comply with that request.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is identical or confusingly similar to a trade mark 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 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 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

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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

In order to satisfy the first element of the Policy it is usually sufficient for a complainant to show that the relevant mark is "recognizable with the disputed domain name"; as to which see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"). The Domain Name can only be sensibly read as the terms "ACCEDI" "GRUPPO" "ISP" "BANCA" "INTESA" and "INFO" in combination with the ".INFO", top level domain. The Domain Name therefore clearly incorporates numerous marks of the Complainant either in their entirety or in the form of variations of those marks.

The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(i) of the Policy.

The Panel is also satisfied that the Domain Name have been registered by the Respondent for the purposes of the impersonation of the Complainant, and that the Complainant is correct is most likely for use in connection with some form of fraudulent phishing scam. There is no evidence before the Panel that the Domain Name has actually been used in this way. But the Panel accepts that this is the most likely explanation for the registration of a Domain Name that can only be understood as impersonating the Complainant and bearing in mind that the Complainant's status as a financial institution.

There is no right or legitimate interest in registering and holding a domain name for such a purpose and such registration and use is in bad faith. The Complainant has, therefore, satisfied the requirements of paragraphs 4(a)(ii) and (iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. ACCEDI-GRUPPO-ISP-BANCA-INTESA-INFO.INFO: Transferred

PANELLISTS

Name	Matthew Harris
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DATE OF PANEL DECISION 2021-08-09

Publish the Decision