

Decision for dispute CAC-UDRP-104691

Case number CAC-UDRP-104691

Time of filing 2022-07-04 10:10:55

Domain names INTESASAPALO.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

Organization Cj Telecommunication, Len Fellham

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 relies on:

- International trademark registration no. 793367 for the mark "INTESA", granted on 4 September 2002;
- International trademark registration no. 920896 for the mark "INTESA SANPAOLO", granted on 7 March 2007;
- EU trademark registration no. 12247979 for the mark "INTESA" granted on 5 March 2014; and
- EU trademark registration no. 5301999 for the mark "INTESA SANPAOLO" granted on 18 June 2007.

FACTUAL BACKGROUND

The Complainant is a leading Italian banking group, formed from the merger of the banking groups Banca Intesa SpA and Sanpaolo IMI SpA in 2007. The Complainant has a market capitalisation of over 39.5 billion Euro. It has a network of 3700 branches in Italy, with about 13.5 million customers and a market share of more than 16% in most regions of Italy. It also has a strong presence in Central-Eastern Europe with a network of about 1000 branches and over 7 million customers.

The Complainant is the owner of international and EU registered trademarks in respect of "INTESA SANPAOLO" and "INTESA" as identified above. The Complainant maintains a website at www.intesasanpaolo.com and holds a number of

other domain names consisting of "intesanpaolo" or "intesa" with various suffices, which are directed to that website.

The disputed domain name was registered on 28 May 2021 and currently locates a website containing links to websites promoting various banking and other financial services provided by companies other than the Complainant. The Complainant's attorneys sent the Respondent a cease and desist letter on 13 May 2022 requesting voluntary transfer of the disputed domain name. The Respondent did not comply.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has registered rights in the mark "INTESA SANPAOLO". The Panel is also satisfied that the disputed domain name is confusingly similar to this mark from which it differs only in the omission of the space between the two words, the omission of two letters from the second word and the addition of the generic top level domain suffix. It is a clear case of typosquatting.

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

There is no reason to doubt the Complainant's statements that the Respondent has not been authorised or licensed to use the disputed domain name or make any other use of the Complainant's marks, that the Respondent is not commonly known by the disputed domain name, and that it has not made any use of it for any bona fide offering or for any legitimate non-commercial or fair purpose. The only use of the disputed domain name made by the Respondent has been in bad faith, as discussed below.

In these circumstances and given also the implausibility of any fair use of this domain name without the Complainant's authorisation in view of its close similarity to the Complainant's primary mark and corporate name, 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

There is no reason to doubt the Complainant's undisputed statements that the links provided on the Respondent's website are sponsored and that the Respondent is thereby receiving click-through commissions. The Panel finds on the undisputed evidence that, by using the disputed domain name, the Respondent has intentionally attempted to attract Internet users to its website for commercial gain in the form of click-through commissions by creating a likelihood of confusion with the Complainant's mark as to the source of the Respondent's website.

In accordance with paragraph 4(b)(iv) of the Policy, this constitutes evidence of registration and use in bad faith. This presumption is not contradicted by any other evidence. In these circumstances 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

This is a clear case of typosquatting; the disputed domain name is confusingly similar to the Complainant's well known and distinctive mark. The Respondent has not been authorised to use the domain name, has not made any bona fide or any

legitimate non-commercial or fair use of it, so has no rights or legitimate interests. The domain name is being used by the Respondent to locate a website containing sponsored links to competitors of the Complainant, thereby intentionally attracting Internet users for commercial gain by creating a likelihood of confusion with the Complainant's website. Presumption of bad faith in paragraph 4(b)(iv) of the UDRP applied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **INTESASAPALO.COM**: Transferred

PANELLISTS

Name	Jonathan Turner
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DATE OF PANEL DECISION **2022-08-17**

Publish the Decision
