Decision for dispute CAC-UDRP-105802

Case number	**CAC-UDRP-105802**
Time of filing	**2023-09-22 09:31:11**
Domain names	**FIDEURAMVITA.COM**

Case administrator

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

Complainant

Organization	**Intesa Sanpaolo S.p.A.**

Complainant representative

Organization	**Intesa Sanpaolo S.p.A.**

Respondent

Organization	**Transure Enterprise Ltd**

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, inter alia, the proprietor of the EU trademark registrations 14404958 FIDEURAM registered on December 9, 2015 in several classes, and 018460322 FIDEURAM VITA (fig.), registered on September 10, 2021 in several classes.

FACTUAL BACKGROUND

The Complainant is a leading Italian banking group and is among the top banking groups in the euro zone, with a market capitalisation exceeding 45 billion euro. Thanks to a network of approximately 3,400 branches capillary and well distributed throughout the Country, with market shares of more than 15% in most Italian regions, the Group offers its services to approximately 13,6 million customers. Intesa Sanpaolo has a strong presence in Central-Eastern Europe with a network of approximately 950 branches and over 7 million customers. Moreover, the international network specialised in supporting corporate customers is present in 25 countries, in particular in the Mediterranean area and those areas where Italian companies are most active, such as the United States, Russia, China and India.

Fideuram – Intesa Sanpaolo Private Banking, known as “FIDEURAM” is the Intesa Sanpaolo Private Banking Division which serves the customer segment consisting of Private clients and High Net worth Individual with the offering of products and services tailored for this segment. More than 120.000 customers are served through 270 branches by more than 6600 private bankers.

Only the Complainant, its parent company Fideuram – Intesa Sanpaolo Private Banking and the companies fully controlled by the last

one are authorized to use the FIDEURAM trademarks.

On April 4, 2023, the Respondent registered the disputed domain name. The website under the disputed domain name shows advertising links with offers for bank accounts.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

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

The Complainant has established the fact that it has valid trademark rights for “FIDEURAM VITA”. The disputed domain name is confusingly similar to this trademark since the domain name is identical to the trademark on the 2nd level.

The Panel therefore considers the disputed domain name to be confusingly similar to the trademark “FIDEURAM VITA” in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

The Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademarks or designations confusingly similar to its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name, since there is no indication that the Respondent is commonly known by the name “FIDEURAM VITA ” or that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

In view of the size of the company of the Italian Complainant and the identity of the 2nd level domain name and the trademark of the Complainant, the Respondent must have been aware of the Complainant and its trademarks when registering the disputed domain name. The Complainant has not authorised the Respondent to make use of a designation which is highly similar to its marks. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular disputed domain name without the Complainant’s authorization.

The circumstances of this case furthermore indicate that the Respondent registered and uses the domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to a potential website or other online locations, by creating a

likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such potential website or location, or of a product or service on such website or location.

The Panel therefore considers the domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(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. **FIDEURAMVITA.COM**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2023-10-24

Publish the Decision