Decision for dispute CAC-UDRP-106204

Case number	CAC-UDRP-106204
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Domain names	CIB-LAESING.COM

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Intesa Sanpaolo S.p.A.

Complainant representative

Organization	Intesa Sanpaolo S.p.A.

Respondent

Organization	IT

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, among others, of the following registrations for the trademarks “CIB LEASING” and “CIB LEASING GROUP” :

- EU trademark registration n. 6666754 “CIB LEASING”, filed on February 13, 2008, granted on January 22, 2009 and duly renewed, in connection with the classes 35 and 36;

- EU trademark registration n. 6666713 “CIB LEASING GROUP”, filed on February 13, 2008, granted on January 22, 2009 and duly renewed, in connection with the classes 35 and 36.

FACTUAL BACKGROUND

The Complainant is the leading Italian banking group and also one of the protagonists in the European financial area. 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, with a market capitalisation exceeding 50,88 billion euro, and the undisputed leader in Italy, in all business areas (retail, corporate and wealth management). Thanks to a network of approximately

3,300 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 900 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 those areas where Italian companies are most active, such as the United States, Russia, China and India.

Part of the Intesa Sanpaolo Group, the CIB Leasing Group offers its customers the full range of leasing products and services, unique in the Hungarian market.

On October 18, 2023, the Respondent registered the domain name CIB-LAESING.COM.

PARTIES CONTENTIONS

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

The Complainant contends that the disputed domain name is confusingly similar to the trademark CIB LEASING, since the addition of the suffix ".COM" and of the word sole insertion of the letters E and A in "LEASING" does not change the overall impression that the disputed domain name is connected to the Complainant's trademark.

The Complainant informs the Panel that Respondent does not carry out any activity for, nor has any business with, the Complainant.

The Complainant also contends that the Respondent has no legitimate interests in respect of the domain name and that the Respondent is not connected in any way with the Complainant.

The Complainant also calls the attention of the Panel on WIPO case Deutsche Bank Aktiengesellschaft v New York TV Tickets Inc, Case n. D2001-1314 – regarding the domain names <duetschebank.com> and <duetsche-bank.com>" on typosquatting.

The Complainant also underlines that the Respondent registered the disputed domain name by hiding its WhoIs information.

As to the use of the disputed domain name, the Complainant highlights that the website in connection to the disputed domain name is redirected to a parking page with pay-per-click (PPC) link in relation with its activity which is to be considered evidence of bad faith.

The Complainant contends that several WIPO decisions stated that the registration and use of a domain name to re-direct internet users to websites of competing organizations constitute bad faith registration and use under the Policy. The Complainant cited amongst others and in particular Encyclopaedia Britannica Inc. v. Shedon.com, WIPO Case No. D2000-0753 ("Respondent's Ownership of a site which is a mis-spelling of Complainant's britannica.com site and which Respondent used to hyperlink to a gambling site demonstrates Respondent's bad faith registration and use of the britannnica.com domain name"); YAHOO! INC. v. David Murray, Case No. D2000-1013 (finding bad faith where respondent chooses a domain name similar to the complainant's mark for a site which offers services similar to the complainant); Edmunds.com v. Ultimate Search, Inc., WIPO Case No. D2001- 1319 ("Registration and use of a domain name to redirect Internet users to websites of competing organizations constitutes bad faith registration and use under the Policy").

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

1. **Confusing similarity**

The disputed domain name includes the registered trademark CIB LEASING of the Complainant, with the sole inversion of the letters E and A of the term LEASING, being a classical typo. According to a number of prior decisions under the UDRP, such a simple typo to a trademark is not sufficient to exclude the confusing similarity (re for example WIPO case no. D2001-1314 Deutsche Bank Aktiengesellschaft v New York TV Tickets Inc. At last, it should be taken into account the well-established principle that the generic top level domain may be excluded from consideration as being merely a functional component of a domain name.

Thus the Panel accepts that the disputed domain name is confusingly similar to the Trademark as it fully incorporates it, but for the slight typo.

2. **Rights or legitimate interests**

The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy and that the burden of proof has been reversed and would lie with the Respondent. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3. **Bad faith**

The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive and well-established.

Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith, since the placeholder website is providing for ppc links that are related to the business sector where the Complainant is active, namely the banking sector. The Panel is convinced that the use of the disputed domain name by the Respondent, is intentionally attempting to attract, for commercial gain, Internet users to his web site, by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of his website (par. 4(b)(iv) of the Policy).

The Respondent failed to file a Response and therefore did not provide evidence of any actual or contemplated good faith use of the disputed domain name. In the view of the Panel, the facts of this case do not allow for any plausible actual or contemplated good faith use of the disputed domain name by the Respondent. The Panel is convinced that the Respondent’s use of the disputed domain name constitutes bad faith use.

In light of the above the Complainant has satisfied its burden under 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. **CIB-LAESING.COM**: Transferred

PANELLISTS

Name	**David-Irving Tayer**

DATE OF PANEL DECISION 2024-02-25

Publish the Decision