Decision for dispute CAC-UDRP-106202

Case number	CAC-UDRP-106202
Time of filing	2024-01-31 10:53:19
Domain names	GRUPPO-INTESASP.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	WIS INC

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 has proved to own the following trademark rights:

- International trademark registration no. 920896 “INTESA SANPAOLO” of March 7, 2007 and duly renewed, in connection with goods and services in classes 9, 16, 35, 36, 38, 41 and 42;
- EU trademark registration no. 5301999 “INTESA SANPAOLO”, of September 8, 2006 and duly renewed, in connection with services in the classes 35, 36 and 38;
- EU trademark registration no. 779827 “GRUPPO INTESA”, of March 24, 1998 and duly renewed, for services in classes 9, 16, 36, 38, 41 and 42;
- EU trademark registration no. 5344544 “GRUPPO INTESA SANPAOLO” of September 28, 2006 and duly renewed, for goods and services in classes 35, 36 and 38.

Besides, the Complainant also owns several domain names bearing the signs “INTESA SANPAOLO”, “GRUPPO INTESA” and “GRUPPO INTESA SANPAOLO”: INTESASANPAOLO.COM, .ORG, .EU, .INFO, .NET, .BIZ, GRUPPOINTESA.IT, .COM, .NET, .ORG, .EU, .US, GRUPPOINTESASANPAOLO.IT, .COM .ORG, .EU, .INFO, .NET, .BIZ. All of them are now connected to the official website http://www.intesasanpaolo.com.

The Complainant submitted the following documents to prove the abovementioned facts:

- Information regarding the Complainant

- Complainant's trademarks registrations
- Website related to the disputed domain name
- Google search for "INTESA SANPAOLO"
- Complainant's official website http://www.intesasanpaolo.com
- WIPO Decisions n. D2000-1500, Microsoft Corporation v.StepWeb, and D2001-1335, The Vanguard Group, Inc v. Venta
- List of the WIPO Cases in which Intesa Sanpaolo has been part as the Complainant Whois of the disputed domain name

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 capitalization exceeding 50,88 billion euro, and the undisputed leader in Italy, in all business areas (retail, corporate and wealth management).

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 specialized 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.

The Respondent registered the disputed domain name <gruppo-intesasp.com> on June 5, 2023 and said domain name resolves to a parking page with commercial links.

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 UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Identity (paragraph 4(a)(i) of the Policy)

The Panel finds that the domain name <gruppo-intesasp.com> is confusingly similar to the Complainant's INTESA SANPAOLO, GRUPPO INTESA and GRUPPO INTESA SANPAOLO trademarks.

Firstly, the Complainant's GRUPPO INTESA trademark is incorporated in the disputed domain name in its entirety.

Secondly, in the Panel's opinion, the mere addition of the letters "SP", representing the abbreviation of "SANPAOLO" does not prevent the similarity between the Complainant's trademarks and the aforementioned domain name as its refers to the Complainant's trademark GRUPPO INTESA SANPAOLO.

Thus, the Panel finds that disputed domain name is confusing and does not provide additional specification or sufficient distinction from the Complainant or its mark.

Absence of Rights or Legitimate Interests (paragraph 4(a)(ii) of the Policy)

The Complainant asserted that the Respondent has never been granted a license, or any other way been authorized, in order to register the disputed domain name. In addition, the Respondent never sought the consent of the Complainant in order to register the aforementioned domain name. Consequently, the Panel finds that the Respondent lacks any right or legitimate interest in using the disputed domain name.

The Complainant also highlighted that the disputed domain name resolves to a parking page with commercial links, as shown on one of the Annex. Therefore, the Panel finds that the Respondent did not intend to use the disputed domain name in connection with any legitimate purpose.

Finally, the Respondent had the opportunity to provide its arguments in support of its rights or legitimate interests in the disputed domain name. However, by failing to file a response, the Respondent has missed this opportunity and the Panel is entitled to draw such inferences from the Respondent's failure as it considers appropriate in accordance with Paragraph 14 of the Rules.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Bad faith (paragraph 4(a)(iii) of the Policy)

In the light of the records, the Complainant showed the disputed domain name is consequently similar to INTESA SANPAOLO, GRUPPO INTESA and GRUPPO INTESA SANPAOLO trademarks. The Panel finds that the Respondent cannot reasonably pretend he was intending to develop a legitimate activity through the disputed domain name. Moreover, the time of the registration, namely June 5, 2023, is well posterior to the registration of INTESA SANPAOLO, GRUPPO INTESA and GRUPPO INTESA SANPAOLO trademarks.

Therefore, it is clear to the Panel that the Respondent was well aware of the INTESA SANPAOLO, GRUPPO INTESA and GRUPPO INTESA SANPAOLO trademarks and has registered the dispute domain name with the intention to refer to the Complainant and to its trademarks.

Furthermore, it seems that the Respondent has registered the dispute domain name in bad faith for the sole purpose to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks. Indeed, the disputed domain resolves to a website sponsoring banking and financial services, for whom the Complainant's trademarks are registered and used.

To the Panel's opinion, this shows that the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **GRUPPO-INTESASP.COM**: Transferred

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2024-03-07