Decision for dispute CAC-UDRP-106372

Case number	CAC-UDRP-106372
Time of filing	2024-03-26 09:35:46
Domain names	INTESASANPAIOLOITALIA.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	NameBrightPrivacy.com

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

Intesa Sanpaolo S.p.A. (“Complainant”) is the owner of the EU trademark Reg. No. 5301999 “INTESA SANPAOLO” filed on September 8, 2006, granted on June 18, 2007, and duly renewed, in connection with the classes 35, 36 and 38.

FACTUAL BACKGROUND

The Complainant is the owner of various registrations for the trademark INTESA SANPAOLO on a worldwide basis. One of them, the EU trademark Reg. No. 5301999 “INTESA SANPAOLO” was filed on September 8, 2006, granted on June 18, 2007, and duly renewed, in connection with the classes 35, 36 and 38. Moreover, the Complainant is also the owner, among the others, of the following domain names bearing the signs “INTESA SANPAOLO” and “INTESA”: INTESASANPAOLO.COM, .ORG, .EU, .INFO, .NET, .BIZ, INTESA-SANPAOLO.COM, .ORG, .EU, .INFO, .NET, .BIZ and INTESA.COM, INTESA.INFO, INTESA.BIZ, INTESA.ORG, INTESA.US, INTESA.EU, INTESA.CN, INTESA.IN, INTESA.CO.UK, INTESA.TEL, INTESA.NAME, INTESA.XXX, INTESA.ME. All of them are now connected to the official website http://www.intesasanpaolo.com.

The Complainant is the leading Italian banking group and is very well known among the top banking groups in the Euro zone, with a market capitalisation exceeding 53,7 billion euro, and the undisputed leader in Italy, in all business areas (retail, corporate and wealth management). The Complainant offers its services to approximately 13,6 million customers and 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.

The disputed domain name <intesasanpaioloitalia.com> was registered on December 23, 2023, by Romanian resident Milen Radumilo.

The disputed domain name is connected to a website sponsoring, among others, banking and financial services, for whom the Complainant's trademarks are registered and used.

On January 19, 2024, the Complainant's attorneys sent to the Respondent a cease and desist letter, asking for the voluntary transfer of the domain name at issue. Despite such communication, the Respondent did not comply with the above request.

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 Panel agrees with the Complainant that the disputed domain name is confusingly similar to the Complainant's well-known trademark INTESA SANPAOLO. The disputed domain name <intesasanpaioloitalia.com> exactly reproduces the trademark INTESA SANPAOLO with the mere addition of the letter "I" in the mark's verbal portion "SANPAOLO" which is a clear example of typosquatting. The addition of the term "ITALIA", meaning "Italy", is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark. On the contrary, "ITALIA" is the country in which the Complainant set up it's headquarter. Therefore, such addition does not change the overall impression of the designation as being connected to the Complainant's trademark.

The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with Complainant in any way. Furthermore, the Complainant has not licensed, authorized, or permitted Respondent to use Complainant's trademarks in any manner, including in domain names. The Respondent's name (Milen Radumilo) does not resemble the disputed domain name in any manner. Respondent's use of the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use.

On these bases, the Panel concludes that the Respondent does not have any rights or legitimate interests in regard to the disputed domain name.

As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the

Respondent, the Panel concludes that the Respondent meant Complainant's trademark INTESA SANPAOLO when he/she registered the disputed domain name <intesasanpaioloitalia.com> (see WIPO Overview 3.0, para. 3.1.1). Previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The evidence presented show that the disputed domain name is connected to a website sponsoring, among others, banking and financial services, for whom the Complainant's trademarks are registered and used. Consequently, Internet users, while searching for information on the Complainant's services, are confusingly led to the websites of the Complainant's competitors, sponsored on the websites connected to the domain name at issue. This means the Respondent has attempted attracting Internet users to his/her own website thanks to the Complainant's trademark for its own commercial gain, which is an evidence of bad faith use (see para. 4(b)(iv) of the Policy). On January 19, 2024, the Complainant's attorneys sent to the Respondent a cease and desist letter, asking for the voluntary transfer of the domain name at issue. Despite such communication, the Respondent did not comply with the above request. Accordingly, the Panel finds that the disputed domain name was 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. **INTESASANPAIOLOITALIA.COM**: Transferred

PANELLISTS

Name	**Darius Sauliūnas**

DATE OF PANEL DECISION 2024-04-27

Publish the Decision