Decision for dispute CAC-UDRP-106336

Case number	**CAC-UDRP-106336**
Time of filing	**2024-03-20 09:35:45**
Domain names	**sampogroup.info**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**Sampo Oyj**

Complainant representative

Organization	**Berggren Oy**

Respondent

Name	**Theresa Lampman**

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 namely on the following trademark registrations:

- the EU trademark registration “SAMPO” (word) No. 018004699, registered on May 10, 2019;
- the EU trademark registration “SAMPO” (figurative: word plus device) No.002136687, registered on February 21, 2003;
- the EU trademark registration “SAMPO GROUP” (figurative: word plus device) No.018238904, registered on September 18, 2020;
- the Finnish trademark registration “SAMPO” (word) No. 222624, registered on December 31, 2001;
- the Finnish trademark registration “SAMPO” (figurative: word plus device) No.223848, registered on May 31, 2002;
- and
- the International trademark registration “SAMPO” (figurative: word plus device) No.753790, registered on March 21, 2001;
- the UK trademark registration “SAMPO GROUP” (figurative: word plus device) No. UK00918238904, registered on September 18, 2020;

protected for certain services in class 36 such as “insurance; financial affairs; monetary affairs” and some are also protected for certain services in class 35.

FACTUAL BACKGROUND

The Complainant, Sampo Oyj, is a Finnish public company, providing financial and insurance services. The Complainant is listed in the Nasdaq Helsinki (previously the Helsinki Stock Exchange) since 1988, and as the Sampo Group parent company, it controls the Sampo Group's strategy, capital allocation, capitalization investment philosophy and reporting, risk management, group accounts, investor relations, sustainability, as well as legal and tax matters.

Sampo Group operates in Europe having main markets in the Nordic countries, the Baltic countries, Poland and the UK and employs more than 13,000 professionals of various fields.

The disputed domain name <sampogroup.info> was registered by the Respondent on 18 December 2023 and at the moment resolves to a blank page. Nevertheless, the Complainant claims that the disputed domain name used to have an active webpage placed at it with sponsored, pay-per-click advertisement to websites of the competitive companies.

No information is known about the Respondent who did not file any statement of arguments in this proceeding.

PARTIES CONTENTIONS

COMPLAINANT' CONTENTIONS:

Identical or confusingly similar

The Complainant argues that the disputed domain name <sampogroup.info> and the Complainant's registered trademark "SAMPO" and "SAMPO GROUP" are confusingly similar.

Particularly, the Complainant contends that its trademark is fully contained within the disputed domain name and argues that the applicable Top-Level suffix ".info", as a technical part of the disputed domain name, is not relevant for examination of the similarity between the Complainant's trademarks and the disputed domain name.

No rights or legitimate interests

The Complainant argues that there is no evidence at all that the Respondent is commonly known by the disputed domain name or a name corresponding to the disputed domain name, nor that the Respondent is making any businesses with the Complainant.

Indeed, the Complainant states that according to the searches conducted on the Internet and in the trademark databases, the Respondent does not have any rights preceding those of the Complainant to the name "SAMPO" or "SAMPO GROUP" and argues that the Respondent is neither affiliated with the Complainant nor authorized by it in any way to use the trademarks "SAMPO" or "SAMPO GROUP". The Complainant states also that it does not have any business relation with the Respondent.

Registered and used in bad faith

As far as bad faith registration is concerned, the Complainant states that the Respondent intentionally acquired and used the disputed domain name to gain illicit monetary profit and potentially access sensitive data of the Complainant's potential clients, to whom the Respondent was sending emails by fraudulently giving the impression of being the Complainant's "employment supervisor".

Indeed, the Complainant is especially concerned about such fraudulent emails sent by the Respondent from the email address Douglas Farley: "douglasfarley@sampogroup.info" and related to fraudulent job advertisements on Career Builder (careerbuilder.com).

In this regard, the Complainant concludes that based on the emails alone, it is evident that the Respondent has acted in bad faith and could potentially cause significant harm to the Complainant and their SAMPO trademarks.

Moreover, the Complainant contends that the website available on the disputed domain name includes direct links and advertisements to, for example, Sampo's competitors' websites. In addition to the above-described fraudulent activities related to the emails, the Complaint therefore claims that the Respondent has registered the domain and established a website to receive ad revenue by taking advantage of the Complainant's rights on the website, which is a hallmark of bad faith.

RESPONDENT'S CONTENTIONS:

The Respondent has not responded to the Complaint.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is confusingly similar to trademark 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 in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Administrative Panel

The Complainant elected to have the present dispute decided by a three-member Administrative Panel. The Czech Arbitration Court appointed the following Panellists:

Hana Číslerová

Lars Karnoe

Selma Ünlü

who accepted to serve as Panellists in this administrative proceeding.

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

Paragraph 15 of the Rules states that the Panel decides a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law deemed applicable.

In the case of default by a Party, Rule 14 states that if a Party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as appropriate.

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant.

The Panelists proceed therefore to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them.

First UDRP Element:

The Panel finds that the disputed domain name <sampogroup.info> is without any doubt visually and phonetically very similar to the Complainant's registered trademarks "SAMPO" and "SAMPO GROUP", given that the disputed domain name fully incorporates the main distinctive element of the previously registered trademarks.

This is without prejudice to the meaning of the word "SAMPO" in Finnish mythology, considering the fact that the Complainant is the rightsholder of the word trademark "SAMPO", which is to be considered a distinctive word element for the services covered by the trademark registration.

Moreover, the gTLD ".info", which would usually be disregarded as it is a technical requirement of registration, does not alter the overall very similar impression that the disputed domain name and the registered trademark produce.

Accordingly, the Panel considers that the disputed domain name and the Complainant's previously registered trademark are confusingly similar and infers that paragraph 4(a)(i) of the Policy is satisfied.

Second UDRP Element:

According to the Complainant's contentions and evidence submitted within this proceeding, which were not disputed, the Respondent does not appear to be in any way related to the Complainant's business, does not act as the agent of the Complainant nor currently known and has never been known as "SAMPO", "SAMPO GROUP", or any combination of such trademarks.

Consequently, and in the absence of a Response, the Panel finds that the Respondent have no rights or legitimate interests in the

disputed domain name, so that the requirements of paragraph 4(a)(ii) of the Policy are met.

Third UDRP Element:

As explained in the First UDRP Element Section above, the Panel finds that the Complainant's trademark "SAMPO" and combination of the words "SAMPO GROUP," registered as a trademark, are inherently distinctive.

While the Complainant did not provide any evidence of the reputation and well-known character of its trademarks, it successfully demonstrated that the Respondent most likely registered the disputed domain name with full knowledge of the Complainant, its business, and its registered trademark.

Indeed, the fact that an email address "douglasfarley@sampogroup.info" was used to send legal documents to third parties (and an employment offer letter) in the name of the Complainant, demonstrates that the Respondent intentionally used the disputed domain name to pass off as the Complainant and thus must have known who the Complainant is.

Furthermore, the placement of pay-per-click advertisements on the website placed on the disputed domain name also indicates that the Respondent was aware of the Complainant, its business activities, as well as its trade name and registered trademarks, and intentionally registered and used the disputed domain name to take advantage of the Complainant's name included in the disputed domain name for improper unfair benefit.

In other words, in the absence of sufficient evidence to the contrary and rebuttal from the Respondent, the Panel infers the Respondent's activity is indicative of registration and use of the disputed domain name in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied 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. **sampogroup.info**: Transferred

PANELLISTS

Name	**Hana Císlerová**
Name	**Lars Karnoe**
Name	**Mrs Selma Ünlü**

DATE OF PANEL DECISION 2024-04-30

Publish the Decision