Decision for dispute CAC-UDRP-106617

Case number	CAC-UDRP-106617
Time of filing	2024-06-24 10:17:11
Domain names	INTESASANB.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

Name	Ismail Abdulazeez

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 owns several trademarks, including the following relevant trademark registrations:
- the International trademark n° 793367 for the word mark “INTESA”, registered on September 4, 2002 for services in class 36;
- the International trademark n° 920896 for the word mark “INTESA SANPAOLO”, registered on March 7, 2007 for goods and services in classes 9, 16, 35, 36, 41 and 42;
- the European Union trademark n° 012247979 for the word mark “INTESA”, registered on March 5, 2014, for goods and service in classes 9, 16, 35, 36, 38, 41 and 42; and
- the European Union trademark n° 005301999 for the word mark “INTESA SANPAOLO”, registered on June 18, 2007, for services in classes 35, 36 and 38.

FACTUAL BACKGROUND

The Complainant is an Italian banking group, which results from the merger (effective as of January 1, 2007) between Banca Intesa S.p.A. and Sanpaolo IMI S.p.A., two Italian banking groups.

The Complainant has a market capitalization exceeding 65,9 billion euro. 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.

On November 15, 2023, the Respondent registered the disputed domain name. The disputed domain name resolved to a website that, when using Google's Chrome Internet browser, is blocked by Google Safe Browsing because of a suspected phishing activity. Previously, the disputed domain name resolved to a website promoting financial services. The content of that website was removed after the Complainant asked the registrar to shut down the website.

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 finds that the disputed domain name is confusingly similar to the Complainant’s INTESA trademark which is wholly incorporated in the disputed domain name. The addition of “sanb” does not distinguish the disputed domain name from the Complainant’s trademark. In contrast, this addition of “sanb” makes the disputed domain name also confusingly similar to the Complainant’s INTESA SANPAOLO trademark, as the first 9 letters of the disputed domain name are identical to those of the Complainant’s trademark and the pronunciation of the last letter “b” of the disputed domain name resembles the “p” in the Complainant’s trademark. The Panel takes note of the various undisputed allegations of the Complaint that no authorization has been given by the Complainant to the Respondent to use or register the disputed domain name, that the Respondent has not been commonly known by the disputed domain name, that the disputed domain name was used to resolve to website which offered banking products which compete with those of the Complainant, and that the disputed domain name is currently used for suspected phishing activities. Because the Respondent did not provide any explanation for its conduct, the Panel infers that the Respondent has no rights or legitimate interests in the disputed domain name (cf. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, par. 2.13.1).

In the absence of a Response, the Panel infers that the Respondent had the Complainant's "INTESA SANPAOLO" trademarks in mind when it registered the disputed domain name, because “intesasanb” is not a dictionary word, the Complainant’s trademarks are well-known, and the disputed domain name was used to resolve to a website with similar banking products as those offered by the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **INTESASANB.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2024-07-19

Publish the Decision