# Decision for dispute CAC-UDRP-107002

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| Case number | CAC-UDRP-107002 |
| Time of filing | 2024-10-30 09:18:37 |
| Domain names | EURIZON.INFO |

## Case administrator

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| Organization | Iveta Špiclová (Czech Arbitration Court) (Case admin) |

## Complainant

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| Organization | Intesa Sanpaolo S.p.A. |

## Complainant representative

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| Organization | Intesa Sanpaolo S.p.A. |

## Respondent

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| Organization | Decentralized Finance |

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 (the "Domain Name").

IDENTIFICATION OF RIGHTS

The Complainant relies upon a number of registered trade marks that comprise or incorporate the term "EURIZON", including the following:

- International trade mark registration n. 1338441 for “EURIZON” as a word mark, filed on 15 December 2016, in class 36 and which has proceeded to grant in 8 territories;

- European Union trade mark registration n. 13847587 “EURIZON” as a word mark, filed on 18 March 2015 and granted on 31 August 2015, in classes 9, 16, 35, 36, 41 and 42; and

- Slovak trade mark registration n. 252035 “EURIZON ASSET MANAGEMENT SLOVAKIA” as a word mark, filed on 13 August 2019 and granted on 13 March 2020, in classes 9, 16, 35, 36, 41 and 42.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

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

The Complainant's banking group has a market capitalisation exceeding 53.7 billion euros. It has a network of approximately 3,300 branches throughout Italy and the group provides services to approximately 13.6 million customers. The Complainant also has a strong presence in Central-Eastern Europe with a network of approximately 900 branches and over 7.4 million customers. It also operates an international network specialised in supporting corporate customers which 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.

Eurizon Capital SGR is the asset management company of the Intesa Sanpaolo Group, specialised in products for retail and institutional customers. It manages assets of around 392 billion euros. Eurizon Capital SA is an asset management company established in 1988 in the Grand Duchy of Luxembourg and fully owned by Eurizon Capital SGR, which manages and distributes Luxembourg based collective investment funds for retail and institutional clients. In Luxembourg, the company offers a broad range of services dedicated to institutional investors, including the possibility of setting up customized collective investment funds. Eurizon Asset Management Slovakia, was established in Slovakia in 2000, is controlled by Eurizon Capital SGR. Eurizon Asset Management Slovakia is focused on funds, and provides investment solutions to mass market, affluent and private clients.

Intesa Sanpaolo S.p.A. and Eurizon Capital SGR S.p.A. are also the owner of numerous domain names that incorporate the term “EURIZON”; including <eurizoncapital.com>, which Eurizon Capital SGR uses for a website which promotes its business.

On 9 February 2024 the Respondent registered the Domain Name. The Domain Name has since been used to redirected to a Slovak language website operating from the domain name <cryptop2pdefi.com> offering banking and financial services, and in particular loans.

## PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the 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 Domain Name is identical or confusingly similar to a trade mark 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 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 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 Complainant has demonstrated rights in registered trade marks for the term "EURIZON". The Domain Name can most sensibly

be read as this term combined with the ".info" gTLD.  Accordingly, the Complainant's trade mark is clearly recognisable the Domain Name. This is sufficient for a finding of confusing similarity under the Policy (see sections 1.7 of the WIPO Overview 3.0). The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(i) of the Policy.

The Panel also accepts that the Domain Name was registered with knowledge of the business of the relevant companies in the Complainant's group of companies, and with the intention to use the potential association between the Domain Name and those companies to draw internet users to a website that provides financial services. This is apparent from the Domain Name itself, which absent of any argument or explanation from the Respondent to the contrary, seems most likely to refer to the Complainant's group companies' business, the fact that the Complainant and its related companies operate in the field of financial service, and way in which the Domain Name has been used since registration (as described in the Factual Background section of this decision).

There is no right or legitimate interest in holding a domain name for the purpose of using its association with a trade mark holder to draw internet users to a website in such a fashion and the fact that a domain name is or has been used for such a purpose is evidence that no such right or legitimate interest exists. Further, the registration and use falls within the scope of the example circumstances evidencing bad faith registration set out in paragraph 4(b)(iv) of the Policy, and accordingly the Panel finds that the Domain Name was registered and has been used in bad faith.

The Complainant has, therefore, satisfied the requirements of paragraphs 4(a)(ii) and (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. **EURIZON.INFO**: Transferred

## PANELLISTS

| Name | **Matthew Harris** |
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DATE OF PANEL DECISION 2024-11-22

Publish the Decision