

Decision for dispute CAC-UDRP-107009

Case number	CAC-UDRP-107009
Time of filing	2024-10-30 09:44:32
Domain names	INTESACLIENTEONLINE.COM

Case administrator

Name	Olga Dvořáková (Case admin)
------	-----------------------------

Complainant

Organization	Intesa Sanpaolo S.p.A.
--------------	------------------------

Complainant representative

Organization	Intesa Sanpaolo S.p.A.
--------------	------------------------

Respondent

Organization	shopiamo
--------------	----------

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 is the registered owner of several word-trademark registrations consisting of the term "INTESA", in particular EU trademark registration n. 12247979, registered - also with effect for France, where the Respondent appears to be located - on 5 March 2014 for goods and services in classes 9, 16, 35, 36, 38, 41 and 42.

It results from the evidence submitted that this mark has duly been renewed and is in force.

FACTUAL BACKGROUND

The Complainant claims to be among the top banking groups in the euro zone and the undisputed leading Italian banking group with a market capitalisation exceeding 70,2 billion Euros.

It further contends its mark "INTESA" to be distinctive and well known all around the world.

According to the Registrar verification response, the Respondent registered the disputed domain name on 29 April 2024. The disputed domain name is not connected to any active web site but simply shows a "coming soon"-landing page.

Finally, it results from the evidence provided that on 3 June 2024 the Complainant sent a cease and desist letter to the Respondent,

requesting the disputed domain name's voluntary transfer. However, the Respondent did not comply with said 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

1.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark "INTESA":

Many panels have found that a domain name is confusingly similar to a complainant's trademark where it incorporates the complainant's trademark in its entirety. This is the case here, where the disputed domain name contains the registered trademark "INTESA" entirely. The Panel agrees with the Complainant in that the combination of the trademark with the terms "CLIENTE" (which means "client" in Italian) and "ONLINE" do not avoid the finding of confusing similarity. Those terms are descriptive and will therefore lead to users' confusing expectations that the disputed domain name will lead users to one of the Complainant's online pages with services offered to its clients.

2.

In the absence of any response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Complainant successfully presented its *prima facie* case and that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In particular, the Respondent is not affiliated with nor authorized by the Complainant in any way, and it is not related in any way to the Complainant's business. In addition, there is no information in the file that could lead the Panel to assume that the Respondent is commonly known by the disputed domain name. Finally, no content is currently available under the disputed domain name which can neither be considered a *bona fide* offering of goods or services nor a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

3.

Finally, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

First, it is to be noted that the non-use of a disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding.

It is the view of this Panel that the Respondent has intentionally registered the disputed domain name, which fully includes the Complainant's trademark "INTESA". In addition, the Panel notes that Complainant's trademark "INTESA" is deemed well-known at least in Italy. Therefore, it is the view of this Panel that the Respondent knew or should have known that the disputed domain name identically contains the Complainant's trademarks when he registered the disputed domain name. Registration of a domain name in awareness of a reputed trademark and in the absence of rights or legitimate interests amounts to registration in bad faith.

Considering that the trademark "INTESA" is entirely included in the disputed domain name, which suggests the Respondent's awareness of the trademark, the Panel finds that the Respondent registered and is using the disputed domain names for bad faith purposes. Relevant additional factors supporting these findings are:

- (i) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use;
- (ii) the implausibility of any good faith use to which the disputed domain name may be put;
- (iii) the Respondent concealing its identity behind a privacy service;
- (iv) the failure to reply to the cease and desist letter; and
- (v) the fact that the details disclosed for the Respondent by the Registrar were incomplete or false, noting the Center's inability to deliver its written communications.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **INTESACLIENTEONLINE.COM**: Transferred

PANELLISTS

Name	Tobias Malte Müller
------	---------------------

DATE OF PANEL DECISION 2024-12-06

Publish the Decision