

Decision for dispute CAC-UDRP-107089

Case number	CAC-UDRP-107089
Time of filing	2024-12-02 09:52:49
Domain names	INTESASPAZIOAPP.COM

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	Intesa Sanpaolo S.p.A.
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Complainant representative

Organization	Intesa Sanpaolo S.p.A.
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Respondent

Name	BERNARD LOYAU
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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, inter alia, the proprietor of the International trademark registration n. 793367 "INTESA", registered on September 4, 2002 and duly renewed, in class 36, being in effect.

FACTUAL BACKGROUND

The Complainant is a leading Italian banking group and also one of the protagonists in the European financial arena.

The Complainant is among the top banking groups in the euro zone, with a market capitalisation exceeding 70 billion euro. Due to a network of approximately 3300 branches capillary and well distributed throughout the Country, with market shares of more than 15 % in most Italian regions, the Group offers its services to approximately 13,7 million customers. Intesa Sanpaolo has a strong presence in Central-Eastern Europe with a network of approximately 900 branches and over 7 million customers. Moreover, the international network specialised in supporting corporate customers is present in 25 countries.

On August 25, 2024 the Respondent registered the disputed domain name. The website under the disputed domain name is a landing page with links to financial services.

PARTIES CONTENTIONS

The Complainant contends that the disputed domain name is confusingly similar to the mark of the Complainant since the mark INTESA is completely incorporated whereas the Italian element "spazioapp" being „app space“ in English may relate to the mobile app of the Complainant Intesa SanPaolo Mobile.

The Complainant also contends that the Respondent has no rights on the disputed domain name since the Respondent has not been authorized or licensed by the Complainant to use the disputed domain name.

The disputed domain name also does not correspond to the name of the Respondent and, to the best of Complainants knowledge, the Respondent is not commonly known as "INTESASPAZIOAPP".

The Complainant further contends that In view of the distinctiveness of the mark of the Complainant being well known and the lack of bonaprimarely fide offerings, the mark was applied for and used in bad faith.

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 Complainant has established the fact that it has valid trademark rights for "INTESA". The disputed domain name is confusingly similar to this trademark since the addition of the descriptive element „Spazioapp“ to the distinctive mark of the Complainant does not change the similarity of the signs in question.

The Panel therefore considers the disputed domain name to be confusingly similar to the trademark "INTESA" in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

The Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademarks or designations confusingly similar to its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name, since there is no indication that the Respondent is commonly known by the name "Intesaspazioapp" or that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

In view of the size of the company of the Italian Complainant Respondent must have been aware of the Complainant and its trademarks when registering the disputed domain name. The Complainant has not authorized the Respondent to make use of a designation which is similar to its marks. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular disputed domain name without the Complainant's authorization.

The circumstances of this case, in particular the disputed domain name being different only in the addition of a descriptive element and the link to financial services on the landing page, indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location.

The Panel therefore considers the disputed domain name has been registered and used in bad faith in accordance with 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. INTESASPAZIOAPP.COM: Transferred

PANELLISTS

Name	Dietrich Beier
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DATE OF PANEL DECISION **2025-01-13**

Publish the Decision
