Decision for dispute CAC-UDRP-107758

Case number	CAC-UDRP-107758
Time of filing	2025-07-22 10:56:46
Domain names	MOONEY-APP.COM

Case administrator

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

Complainant

Organization	Mooney S.p.A.

Complainant representative

Organization	Perani Pozzi Associati

Respondent

Organization	Njalla Okta LLC

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 consisting of the sign MOONEY in several countries, among them the International trademark registration MOONEY n°1547324 in classes 9, 36, 37, 38, 42 registered since June 18, 2020, and in effect.

FACTUAL BACKGROUND

The Complainant is a company founded in December 2019 that offers security in payments, in particular payment services and all transactional operations available

due to a network of over 45,000 points of sale - tobacconists, bars and newsstands - and modern digital platforms. Complainant operates a website under https://www.mooney.it/app-mooney, inter alia advertising the „App Mooney“.

The disputed domain name has been registered on September 13, 2024 and resolves to an inactive website.

The identity of the registrant was initially concealed.

PARTIES CONTENTIONS

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The Complainant states, inter alia, that the disputed domain name is confusingly similar to its trademark MOONEY. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name since he was not authorised to use it by the Complainant, nor is it the name of the Respondent. Complainant´s trademarks are distinctive and well known in Italy and are shown by every Google search for MOONEY.

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

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) The Respondent has no rights or legitimate interests with respect to the domain name; and

(iii) The domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for “MOONEY”.

The disputed domain name is confusingly similar to the MOONEY mark of the Complainant since the amendment of the descriptive term „APP“ does not influence the overall character of the disputed domain name compared to the trademark of the Complainant.

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

B. Rights or Legitimate Interests

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 “MOONEY“ or „MOONEY-APP“ 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.

C. Registered and Used in Bad Faith

The Circumstances of the case, in particular the use of the Complainant of an advertising of „App Mooney“ on its website, indicate that the Respondent was well aware of the services and the trademarks of the Complainant when registering the disputed domain name „MOONEY-APP“, being almost identical.

The Complainant has not authorized the Respondent to make use of a designation which is highly similar to its marks. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular domain name without the Complainant’s authorization.

It is the consensus view of Panels (following the decision Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, <telstra.org>) that the apparent lack of active use of the domain name without any active attempt to sell or to contact the trademark holder (passive holding), does not as such prevent a finding of bad faith. Examples of what may be cumulative circumstances found to be indicative of bad faith include that no response to the complaint has been filed and the registrant's concealment of its identity and the implausibility of any good faith use to which the domain name may be put. Such circumstances are given in the present case.

The circumstances of this case 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 to have 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. **MOONEY-APP.COM**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2025-08-22

Publish the Decision