Decision for dispute CAC-UDRP-107760

Case number	**CAC-UDRP-107760**
Time of filing	**2025-07-30 09:33:44**
Domain names	**esselunga-punti.help**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**Esselunga S.p.A.**

Complainant representative

Organization	**Barzanò & Zanardo Milano S.p.A.**

Respondent

Name	**asdasd asdasd**

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:

- The Italian national trademark No. 1290783 (ESSELUNGA with device) filed on12 March 1980, in classes 3, 6, 8, 9, 16, 21, 28, 29, 30, 31, 32, 33 and 42;
- The Italian national trademark No. 1480754 (ESSELUNGA with device) filed on 9 April 2002, in classes 1–45; and
- The European Union trademark No. 013719745 (ESSELUNGA) filed on 9 February 2015, in classes 1, 3, 5, 6, 8, 9, 16, 21, 24, 25, 28, 29, 30, 31, 32, 33 and 35.

("**Complainant's Trademarks**")

The disputed domain name <esselunga-punti.help> was registered on 8 May 2025.

FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the

Complainant (and supported by the documentary evidence submitted by the Complainant) and unchallenged by the Respondent:

(a) the Complainant is the Italian leader in the retail field, founded in 1957, with over 8,3 billion EUR of total revenues and 185 points of sales;

(b) the Complainant is the owner of Complainant's Trademarks;

(c) the Complainant owns various domain names including the same verbal element ESSELUNGA; and

(d) there is no website operated under the disputed domain name.

PARTIES CONTENTIONS

THE COMPLAINANT:

In addition to the above factual assertions, the Complainant also contends the following:

(i) the disputed domain name is confusingly similar to Complainant's Trademarks as it differs from them only in the addition of a generic term – "punti" (meaning in Italian "points") – that could easily be associated with ESSELUNGA fidelity points and fidelity cards;

(ii) the Respondent is not affiliated with the Complainant nor authorized by it in any way to use Complainant's Trademarks. The Complainant does not carry out any activity for, nor has any business with, the Respondent, there is no website under the disputed domain name and the Respondent did not make any use of the disputed domain name. This confirms that Respondent has no demonstrable plan to use the disputed domain name. It proves a lack of legitimate interests in respect of the disputed domain name except in order to create a likelihood of confusion with the Complainant and its trademarks. Therefore, the Respondent does not have the right or legitimate interest in respect of the disputed domain name;

(iii) Complainant's Trademarks are widely known. Given the distinctiveness of the Complainant's Trademarks and their reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's Trademarks. The Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law. Also, the Respondent registered the disputed domain name under an apparently false name. As a result, the disputed domain name has been registered and is being used in bad faith by the Respondent.

For these reasons, the Complainant seeks transfer of the disputed domain name to the Complainant.

THE RESPONDENT:

The Respondent did not provide any response to the complaint.

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 Uniform Domain Name Dispute Resolution Policy ("**UDRP**" or "**Policy**").

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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

Paragraph 4(a) of the Policy requires that the Complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or revoked:

(i) the disputed 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 in respect of the disputed domain name; and

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

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in these proceedings.

RIGHTS

The disputed domain name is confusingly similar to Complainant's Trademarks as it includes their distinctive word element "ESSELUNGA" in its entirety and the addition of the non-distrinctive term "punti" (meaning "points" in Italian) does not diminish such confusing similarity.

For the sake of completeness, the Panel asserts that the top-level suffix in the domain name (i.e. the ".help") must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.

Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP (please see, for example, WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

There is no website under the disputed domain name. As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the disputed domain name. Neither is the Respondent in any way related to the Complainant. The Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a) (ii) of the Policy).

Therefore, the Panel concludes that the Respondent does not have any right or legitimate interest to the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has not presented evidence establishing any of the typical cases of bad faith in registration and use of the domain name listed in paragraph 4(b) of the Policy. Nevertheless, such list is not exhaustive and bad faith in registration and use of the disputed domain name may also be found in other cases taking into account all relevant facts and circumstances of the case at hand (please see the WIPO case No. D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows <telstra.org> and WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition, Section 3.2).

Here, the Panel noted that the Complainant is a well-known Italian retail chain founded in 1957 and the Complainant's Trademarks enjoy good reputation. The denomination "ESSELUNGA" has no common meaning in the English language (as the language of the

global trade) or Italian language (as the language of the country where the Complainant operates), it clearly points out to the Complainant (and not much else) when entered into the internet search engines. Hence the Panel is convinced that such a denomination is clearly distinctive to the Complainant. Distinctiveness and reputation of Complainant's Trademarks have already been established by the Panels in a number of previous cases where Complainant has been subjected to cybersquatting (such as WIPO case no. D2017-2107, Esselunga S.p.A. v. Carla Giorgi, <esselungaspa.com> or WIPO Case No. D2018-0967, Esselunga S.P.A. v. Wang Lian Feng, <esselunga.tech>). In this respect, the Panel also deems it appropriate to refer to paragraph 2 of the Policy under which it is the responsibility of the Respondent as the registrant of the disputed domain name to determine whether its registration infringes or violates someone else's rights.

In light of the above circumstances, the Panel failed to find any plausible good faith reasons for registration and use of the disputed domain name by the Respondent. The Respondent has not submitted any response to the Complaint and therefore has not presented any facts or arguments that could counter the above conclusions of the Panel. Also the Respondent registered the disputed domain name under an apparently false name, which further supports the bad faith of the Respondent in registration and use of the disputed domain name. As a result, the Panel holds that the disputed domain name has been registered and is being used by the Respondent in bad faith (within the meaning of 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. **esselunga-punti.help**: Transferred

PANELLISTS

Name	**Michal Matějka**

DATE OF PANEL DECISION 2025-08-31

Publish the Decision