Decision for dispute CAC-UDRP-108971

Case number	CAC-UDRP-108971
Time of filing	2026-09-01 11:05:45
Domain names	indenmotor.com

Case administrator

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

Complainant

Organization	Indena S.p.A.

Complainant representative

Organization	Notarbartolo & Gervasi S.p.A:

Respondent

Name	Pietro Filoni

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 trade marks consisting of or incorporating the name INDENA, including the Italian national trade mark INDENA, registration number 362018000052646, first registered on 25 November 1978 in international class 5; the Italian national trade mark INDENA, registration number 362024000140038, first registered on 28 February 1995 in international class 1; and European Union trade mark INDENA, registration number 001213917, first registered on 30 August 2000 in international classes 1 and 5. The aforementioned trade mark registrations of the Complainant all predate the registration of the disputed domain name.

Furthermore, the Complainant owns the domain name <indena.com>, which consists of and incorporates the name INDENA and is connected to the Complainant's official website through which it informs Internet users and consumers about its products and services. There is no indication in the Amended Complaint or its annexes as to when the Complainant first registered this domain.

FACTUAL BACKGROUND

The Complainant is an Italian company founded in 1921. The Complainant’s business identifies, develops and industrially produces high-quality active ingredients derived from plants, supplied to the pharmaceutical, nutraceutical and health-food industries worldwide. The Complainant’s operations cover botanical sourcing from a network of plantations, phytochemical research, analytical and pre-clinical laboratories, pilot plants and industrial-scale manufacturing. Its main manufacturing facility is located in Settala in the province of Milan. The Complainant also provides contract development and manufacturing services. The

Complainant's business is international in scope, with dedicated commercial operations and country-specific websites for, among others, the United States, Japan and China.

The disputed domain name <indenmotor.com> was registered on 16 June 2026.

On 25 August 2026, the disputed domain name resolved to a website which:

- was entirely in Italian and presented itself as a supplier of used and warranted spare parts for motor vehicles;
- contained an "About us" section in which Inden Motor falsely identified itself as the Complainant, reproducing its corporate name and legal form, by stating: "Inden Motor (INDENA S.P.A.) is a leading company in the recovery and sale of used and warranted car parts";
- reproduced the Complainant's registered office address and VAT number in the footer of every page and on the "Contacts" page;
- stated a contact e-mail and telephone number not associated with the Complainant (and therefore diverted enquiries away from the Complainant);
- collected personal data on a "Find your spare part" page which required visitors to submit, as mandatory fields, their first name, surname, telephone number and e-mail address, together with the category, make, model and registration plate of their vehicle, and a description of the part sought;
- carried paid advertising tracking (the source code of every page containing a Google Ads conversion tag) to drive traffic to the disputed domain name;
- made false statements about its own history and customers on the "About us" page, by falsely stating that the business had operated for years on the Italian market, and by displaying three false customer testimonials, each accompanied by a five-star rating, one of which stated that the reviewer had been dealing with "Inden Motor" for years, even though the disputed domain name had been registered only some ten weeks earlier; and
- was technically linked to another website (with the domain name <motobrem.com>), registered on 3 July 2026 with the same registrar, and on name servers belonging to the same parking service, which was also no longer active but suggests that there were at least two linked Italian-language automotive domain names operated by the same person on the same infrastructure.

As at the date of the Complaint, the website accessed through the disputed domain name no longer displayed any active content. At the date of this decision, the disputed domain resolves to an inactive page.

PARTIES CONTENTIONS

The Complainant contends that all three elements of the UDRP have been fulfilled and it therefore requests the transfer of the disputed domain name to the Complainant. 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 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 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 Panel notes that the first UDRP element functions primarily as a standing requirement which involves a straightforward side-by-side comparison between the complainant's trade mark and the disputed domain name to assess whether the mark is recognisable within the disputed domain name. In this context, panels have also found that the overall facts and circumstances of a case (including relevant website content) may support a finding of confusing similarity, particularly where it appears that the respondent registered the domain name precisely because it believed that the domain name was confusingly similar to a mark held by the complainant (see WIPO Overview 3.0, section 1.7). Against this background, the Panel finds that the disputed domain name <indenmotor.com> is confusingly similar to the Complainant's trade mark INDENA. Indeed, the disputed domain name incorporates the Complainant's trade mark in its entirety but omits the final letter "A" and instead adds the descriptive term "motor" as suffix to the Complainant's trade mark. It does not matter for the purpose of the analysis of the first UDRP element that the Complainant is not itself active in the motor industry and does not supply spare parts for motor vehicles since matters such as the strength or scope of the Complainant's trade mark are decided under the second and third UDRP elements (see WIPO Overview 3.0, section 1.7). The Panel follows the view established by numerous other decisions that a domain name which wholly incorporates a Complainant's registered trade mark may be sufficient to establish confusing similarity for the purposes of the UDRP (see, for example, WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin <porsche-autoparts.com>). The Panel further considers it to be well established that the addition of a descriptive or geographical term does not allow a domain name to avoid confusing similarity with a trade mark (see, for example, WIPO Case No. D2019-2294, Qantas Airways Limited v. Quality Ads <qantaslink.com>; and CAC Case No. 102137, Novartis AG v. Black Roses <novartiscorp.com>). Other panels have previously found that "[W]here the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element" (see WIPO Overview 3.0, section 1.8; and, for example, WIPO Case No. D2023-2542, Merryvale Limited v. tao tao <wwbetway.com>; and WIPO Case No. D2020-0528, Philip Morris Products S.A. v. Rich Ardtea <global-iqos.com>). Against this background, the Panel finds that the addition of the descriptive term "motor" to the Complainant's trade mark is not sufficient to alter the overall impression of the designation as being connected with the Complainant's trade mark and does not prevent a likelihood of confusion between the disputed domain name and the Complainant and its trade mark. To the contrary, the fact that the Respondent sought to impersonate the Complainant on the website accessed through the disputed domain name disputed domain name (by referring to itself as "Indena SPA", and by using the Complainant's registered office address and VAT number) lends further support to the conclusion that the Respondent chose the disputed domain name precisely because of its confusing similarity to the Complainant's trade mark and because it implies a link to the Complainant and its business.

With regard to the second UDRP element, the Panel finds that the Respondent is not affiliated with or related to the Complainant in any way and is neither licensed nor otherwise authorised to make any use of the Complainant's trade marks, or to apply for or use the disputed domain name. Additionally, the Whois information for the disputed domain name does not suggest that the Respondent is commonly known by the disputed domain name <indenmotor.com>. Past panels have held that a respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name, as is equally not the case here (see, for example, Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com> ("Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel therefore finds under Policy ¶ 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii).")). Furthermore, the Complainant adduced evidence to show that the disputed domain name has been used for phishing purposes. The Panel categorially agrees with the established view that the use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent (see WIPO Overview 3.0, section 2.13.1: "Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent"). The Panel follows in this regard an established line of cases: CAC Case No. 101578 <ARLEFOOD.COM> found that "To the contrary, it appears that the Respondent has used the disputed domain name to impersonate the Complainant and fraudulently attempt to obtain payments and sensitive personal information. The use of the disputed domain name in connection with such illegal activities cannot confer rights or legitimate interests on the Respondent"; see also CAC Case No. 102290 <PEPSICOGDV.COM> (carrying out phishing attacks spoofing the Complainant's identity to send fraudulent e-mails for financial gain); CAC Case No. 103393 <SonyCreativeSoftware.Info> ("the use of a domain name for illegal activity (e.g. phishing) can never confer rights or legitimate interests on a respondent"); WIPO Case No. D2021-2097, Ivax LLC v. Contact Privacy Inc. Customer 0161280011/ Name Redacted <ivaxcorporation.com> ("use of a domain name for illegal activity – including the impersonation of the complainant and other types of fraud – can never confer rights or legitimate interests on a respondent"; and WIPO Case No. D2019-2045, Auchan Holding v. Domains By Proxy, LLC / NAME REDACTED <achats-auchan.com>. Finally, as at the date of the Complaint, the disputed domain name was no longer being used for any active website but then resolved to an inactive page. A lack of content at the disputed domain has in itself been regarded by other panels as supporting a finding that the Respondent lacked a bona fide offering of goods or services and did not make legitimate non-commercial or fair use of the disputed domain name (see, for example, Forum Case No. FA 1773444, Ashley Furniture Industries, Inc v. Joannet Macket/JM Consultants). Against this background, and absent any response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

With regard to the third UDRP element, the Panel considers that the Respondent must clearly have been aware of the Complainant's INDENA name and trade mark because he deliberately used the disputed domain name to connect to a website seeking to impersonate the Complainant. The Panel again follows an established line of cases in finding that registration and use of a domain name for phishing purposes constitutes bad faith. (See, for example: WIPO Overview 3.0, section 3.4; and WIPO Case No. D2018-1815: "Respondent registered the disputed domain name which is nearly identical in appearance to Complainant's distinctive trademark. As the disputed domain name effectively impersonates Complainant, there is no evident ground for Respondent to have selected it, other than for using it to induce Internet users, including e-mail recipients, to confuse the owner/sponsor of a website or the sender of an email with Complainant and its products. Regrettably, it is not uncommon for domain names which closely

approximate distinctive trademarks to be used as instruments of fraud or other abuse. Respondent has failed to provide any explanation for its decision to register the disputed domain name, and the Panel is unable to discern or infer any plausible legitimate reason for Respondent to have registered the disputed domain name. These circumstances are sufficient to establish Respondent's registration and use of the disputed domain name in bad faith"). Indeed, it is likely that the disputed domain would not have been registered if it were not for the Complainant's trade mark (see, for example, WIPO Case No D2004-0673 Ferrari Spa -v- American Entertainment Group Inc <ferrariowner.com>). Furthermore, the Panel notes that the Respondent sought to attract and divert Internet users to his own website for commercial gain, based on the Complainant's trade mark, based on the use of Google ads conversion tags, which constitutes further evidence of bad faith (see, for example, WIPO Case No D2018-0497, StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC ("In that circumstance, whether the commercial gain from misled Internet users is gained by the Respondent or by the Registrar (or by another third party), it remains that the Respondent controls and cannot (absent some special circumstance) disclaim responsibility for, the content appearing on the website to which the disputed domain name resolve […] so the Panel presumes that the Respondent has allowed the disputed domain name to be used with the intent to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the Respondent's website to which the disputed domain name resolves. Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.")). Finally, as at the date of the Complaint, the disputed domain name was inactive. It is difficult to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate on the grounds that it would constitute passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trade mark law under circumstances where the disputed domain name incorporates the Complainant's trade mark. In addition, numerous other UDRP decisions have taken the view, which this Panel shares, that the passive holding of a domain name with knowledge that the domain name infringes another party's trade mark rights may in itself be regarded as evidence of bad faith registration and use (see, for example, WIPO Case No. D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows; and WIPO Case No. D2004-0615, Comerica Inc. v. Horoshiy, Inc.). Absent any response from the Respondent, or any other information indicating the contrary, the Panel therefore also accepts that the Respondent has registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **indenmotor.com**: Transferred

PANELLISTS

Name	**Gregor Kleinknecht LLM MCIArb**

DATE OF PANEL DECISION 2026-10-07

Publish the Decision