

**Decision for dispute CAC-UDRP-104323**

Case number	CAC-UDRP-104323
Time of filing	2022-02-02 09:17:48
Domain names	PORTALE-INTESA.COM

**Case administrator**

Organization	Iveta Špiclová (Czech Arbitration Court) (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	raffa mutigno
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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 the owner of several trademarks and domain names including the words "INTESA" and "SANPAOLO" separately or together.

In particular, the Complainant is the owner of the following "INTESA" and "INTESA SANPAOLO" trademarks:

- International trademark registration n° 793367 "INTESA", in class 36, priority 4 September 2002;
- International trademark registration n° 920896 "INTESA SANPAOLO", in classes 9, 16, 35, 36, 41, 42, priority 7 March 2007;
- EU trademark registration n° 12247979 "INTESA", in classes 9, 16, 35, 36, 38, 41 and 42, priority 23 October 2013;
- EU trademark registration n° 5301999 "INTESA SANPAOLO", in classes 35, 36 and 38, priority 8 September 2006.

(the "Complainant's trademarks").

The Complainant asserts to have domain names consisting of the wording "INTESA" and "INTESA SANPAOLO", such as <intesasanpaolo.com> and <intesa-sanpaolo.com>, which are connected to the official website of the Complainant ("the Complainant's domain names").

## FACTUAL BACKGROUND

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### FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

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, and the leader in Italy, in all business areas (retail, corporate and wealth management). The Complainant offers its services to approximately 13,5 million customers.

The Complainant uses its trademarks and domain names in connection to its activities worldwide.

The Respondent registered the disputed domain name <portale-intesa.com> on 3 February 2021 ("the disputed domain name"). The disputed domain name is not used for an active website, and it appears that it is currently blocked by Google Safe Browsing because of suspected phishing activity.

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## PARTIES CONTENTIONS

### NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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#### RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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).

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#### 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).

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#### BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name to have been registered and being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

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## 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.

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## PRINCIPAL REASONS FOR THE DECISION

### I. The disputed domain name is confusingly similar to the Complainant's trademarks

The Panel finds that the disputed domain name <portale-intesa.com> is confusingly similar to the Complainant's trademarks. The Complainant rightfully contends that <portale-intesa.com> reproduces the well-known trademark "INTESA", with the mere addition of the Italian term "PORTALE", meaning "portal".

The Panel concludes that the addition of the term "PORTALE" is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademarks. To the contrary, it suggests that the disputed domain name is used by the Complainant for its portal, which is not the case.

### II. 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

The Panel notes that the Complainant has never granted the Respondent any license or authorization to use the Complainant's trademarks for the disputed domain name, nor is the Respondent affiliated to the Complainant in any way.

Further, the Respondent has made no use of the disputed domain name in connection with a bona fide offering of goods or

services, is not making a legitimate non-commercial or fair use of the disputed domain name, and/or is not commonly known under the disputed domain name. The Panel notes that the Respondent's name or contact details contain no reference to "INTESA" or any similar sign.

In addition to the above, the disputed domain name is not used for an active website, and it appears that it is currently blocked by Google Safe Browsing because of suspected phishing activity.

Given the lack of an administratively compliant Response from the Respondent, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

III. The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name was registered and is being used in bad faith

The Complainant contends that its trademarks are well-known and that, given the distinctiveness of the Complainant's trademarks in general and given its reputation, the Respondent likely had full knowledge of the Complainant's trademarks at the time of the registration of the disputed domain name. In addition, the Complaint states that if the Respondent had carried out even a basic Google search in respect of the word "INTESA", he would have yielded obvious references to the Complainant. The Panel agrees.

Further, the disputed domain name is not used for any bona fide offerings, considering that the disputed domain name is connected to a website that seems to be blocked by Google Safe Browsing through a warning page. It is likely that the main purpose of the Respondent was to use the disputed domain name for "phishing" financial information in an attempt to defraud the Complainant's customers.

In addition to the above, the fact that the disputed domain name was most likely used to defraud the Complainant's customers by creating a likelihood of confusion with the Complainant and given the failure of the Respondent to present a credible evidence-backed rationale for registering and using the disputed domain name, show that the Respondent has registered and used the disputed domain name in bad faith.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **PORTALE-INTESA.COM**: Transferred

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## PANELLISTS

Name	Tom Joris Heremans
DATE OF PANEL DECISION	2022-03-16
Publish the Decision	