

ADMINISTRATIVE PANEL DECISION

Allianz SE v. Natha Ram, India

Case No. D2022-4756

1. The Parties

The Complainant is Allianz SE, Germany, internally represented.

The Respondent to be Natha Ram, India, India.

2. The Domain Name and Registrar

The disputed domain name <allianzmadvac.com> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 12, 2022. On December 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 15, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Not Yet Known) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 19, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on December 20, 2022.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 13, 2023. The Respondent did not submit any response.

Accordingly, the Center notified the Respondent’s default on February 15, 2023.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on March 13, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is Allianz SE (formerly known as Allianz Aktiengesellschaft), a company organized under the laws of Germany and the European Union. It is the ultimate parent company of one of the oldest and largest international insurance and financial services groups in the world.

Allianz Versicherungs-AG, the first Allianz Group company, was founded in Berlin in 1890. In 1893, the first international branch was opened in London. Since its inception, it has continuously operated under the ALLIANZ name and has used the mark ALLIANZ in connection with its insurance, healthcare and financial services products.

The Allianz Group is one of the leading integrated financial services providers worldwide. It has approximately 147,000 employees worldwide, serves approximately 100 million customers in more than 70 countries. In insurance it is the market leader in the German market with a strong international presence. It is one of the world's largest asset managers, with third party assets of EUR 1,686 billion under management, as at the end of 2019.

More information about the Allianz Group can be found on the website "www.allianz.com" under the menu "Investor Relations". Total revenues of the Allianz Group worldwide in the year 2021 totalled EUR 148.5 billion.

Over the years, the Complainant has devoted substantial resources building goodwill in the ALLIANZ trade marks. It owns exclusive rights in the mark ALLIANZ in many jurisdictions throughout the world. It is a distinctive and well-known mark which has been used by the Complainant in connection with its businesses for well over 100 years. As can be seen from the Interbrands "Best Global Brands 2022" study exhibited as Annex C to the Complaint, ALLIANZ was ranked as No. 34 with a value of USD 18,694 million.

The Complainant has registered and protected the mark ALLIANZ worldwide. The Complainant relies in particular upon the following trade mark registrations, evidence of which are set out in Annex D to the Complaint. These registrations are valid and subsisting:

- ALLIANZ International Mark No. 447004 - Registered September 12, 1979.
- ALLIANZ International Mark No. 714618 - Registered May 4, 1999.
- ALLIANZ and Design International Mark No. 713841 - Registered May 3, 1999.
- ALLIANZ German Mark No. 987481 - Registered July 7, 1979.
- ALLIANZ German Mark No. 39927827 - Registered July 16, 1999.
- ALLIANZ European Union Mark No. 000013656 - Registered July 22, 2002.
- ALLIANZ and Design European Union Mark No. 002981298 - Registered April 5, 2004.

The Complainant has also registered many domain names incorporating its flagship brand ALLIANZ with various Top- Level Domains ("TLDs") including <allianz.de>, <allianz.com>, <allianz.us>, <allianz.fr>, <allianzgi.com> and <allianz-jobs.com>.

The Complainant adduces evidence of court decisions in which those courts have confirmed the reputation and highly distinctive character of the mark ALLIANZ. Examples relied upon include a decision of the Oberlandesgericht Munchen (Higher Regional Court of Munich), dated November 25, 1999, exhibited as Annex E to the Complaint, OHIM dated December 9, 2013, exhibited as Annex F to the Complaint, and Landgericht Munchen 1 (Munich District Court 1) dated February 5, 2003, exhibited as Annex G to the Complaint.

The Complainant also relies upon some previous UDRP decisions, e.g., *Allianz SE v. Well Domains are either owned by us or Client Managed*, WIPO Case No. [D2008-0535](#), and *Allianz Sigorta AS, Allianz Hayat ve Emeklilik AS v. Selcuk Yildiz*, WIPO Case No. [D2015-1762](#), exhibited as Annexes H and I to the Complaint, in which the domain names <allianzfinance.com> and <allianztower.com> were ordered to be transferred to the Complainant respectively.

The Complainant also exhibits, as Annex B to the Complaint, a copy print out from the Respondent's website as accessed using the disputed domain name. It refers to the Complainant and prominently incorporates the Complainant's trade mark ALLIANZ.

The disputed domain name was registered on December 28, 2019.

In the absence of a Response, the Panel finds the above evidence adduced by the Complainant to be true.

5. Parties' Contentions

A. Complainant

The Complainant submits:

On the evidence of the Complainant's trade mark rights for the mark ALLIANZ the disputed domain name is identical or confusingly similar to that mark;

There is no evidence that the Respondent has rights or legitimate interests in respect of the disputed domain name;

On the evidence the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Based upon the evidence of its trade mark rights set out in Section 4 above the Panel is satisfied that the Complainant owns long-established trade mark rights in the mark ALLIANZ which predate the date of registration of the disputed domain name on December 28, 2019. This is disclosed by the Registrar in the Whois Record dated December 15, 2022.

The disputed domain name <allianzmadvac.com> consists of the mark ALLIANZ plus the letters "madvac" together with the generic TLD ".com". The latter can be disregarded for the purposes of assessing confusing similarity as it is viewed as a standard registration requirement.

The Panel agrees with the Complainant that the mark ALLIANZ is recognizable within the disputed domain name. The addition of the letters “madvac” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s mark ALLIANZ. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

Following the earlier authorities cited by the Complainant, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s mark ALLIANZ within paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant submits that the Respondent has no rights or interests in the disputed domain name or in the mark ALLIANZ.

There is no evidence that the Respondent owns any trade mark registrations for the mark ALLIANZ or has been granted any license or any other form of authorization or consent from the Complainant to use the mark ALLIANZ. The Complainant has not licensed the Respondent to use the mark ALLIANZ within its website as exhibited as Annex B to the Complaint.

The Complainant submits that the Respondent’s activities do not correspond with any of the circumstances set out in paragraph 4(c) of the Policy that would evidence rights or legitimate interests in the disputed domain name.

There is no evidence before the Panel that the Respondent has been using the disputed domain name in connection with a *bona fide* offering of goods or services.

There is no evidence before the Panel that the Respondent is commonly known by the mark ALLIANZ or the disputed domain name or that it is using the disputed domain name so as to make legitimate noncommercial or fair use of the disputed domain name.

The onus is shifted to the Respondent to demonstrate legitimate use of the disputed domain name which the Respondent, in the absence of a Response, fails to rebut the Complainant’s *prima facie* case.

Accordingly, the Panel is satisfied that the Respondent has no rights or legitimate interests in respect of the disputed domain name within paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant submits that the Respondent intentionally attempted by using the disputed domain name to confuse Internet users by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation or endorsement of the disputed domain name within paragraph 4(b)(iv) of the Policy.

The Respondent has taken advantage of the fact evidenced in Section 4 above that the mark ALLIANZ is very well known throughout the world, especially with regard to insurance and financial affairs. It cannot therefore be reasonably argued that the Respondent could have been unaware of the Complainant’s trade mark rights when registering the disputed domain name.

This is evidenced by the fact that the evidence of the Respondent’s website “www.allianzmadvac.com” exhibited at Annex B to the Complaint, wholly incorporates the Complainant’s trade mark ALLIANZ and logo, and the Respondent attempts to pass off as the Complainant by providing the company information of the Complainant on its website.

It would be unlikely and there is no evidence to show otherwise that the Respondent “just happened to unintentionally” select the Complainant’s distinctive trade mark and combine it with another TLD.

There is no evidence of any connection or association with Germany on the part of the Respondent and therefore no evidence of any justifiable reason why the disputed domain name refers to the German term "Allianz".

In the absence of a Response and any evidence justifying the Respondent's use of an association with the Complainant and its mark ALLIANZ, the Panel agrees with the Complainant that the Respondent sought to register the disputed domain name because of its association with the Complainant and intended to capitalize on the Complainant's reputation in the mark and trading name ALLIANZ. The Respondent therefore, acted in bad faith when registering the disputed domain name and continues to do so by using its website to possibly phish private data from individuals confused by the Respondent's website.

The Panel, in the absence of a Response, agrees with the Complainant's submissions and finds that the disputed domain name was registered and is being used in bad faith within paragraph 4(a)(iii) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <allianzmadvac.com> be transferred to the Complainant.

/Clive Duncan Thorne/

Clive Duncan Thome

Sole Panelist

Date: March 27, 2023