

## ADMINISTRATIVE PANEL DECISION

Compagnia Assicuratrice Linear S.p.A. v. linear assicura  
Case No. D2024-4828

### 1. The Parties

The Complainant is Compagnia Assicuratrice Linear S.p.A., Italy, represented by Bugnion S.p.A., Italy.

The Respondent is linear assicura, Italy.

### 2. The Domain Name and Registrar

The disputed domain name <assicurati-con-linear.online> is registered with NameCheap, Inc. (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 22, 2024. On November 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 22, 2024, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 22, 2024, 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 November 27, 2024.

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 November 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 19, 2024.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on December 24, 2024. 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, Compagnia Assicuratrice Linear S.p.A., operates in the insurance sector and is based in Italy. It specializes in providing online insurance services, with a strong market reputation and recognition for its trademarks and service quality. Founded on July 28, 1995, the Complainant is part of Unipol Group S.p.A., one of Italy's leading and largest insurance groups.

The Complainant is the owner of the following registered trademarks:

- Italian Trademark LINEAR Registration no. 1181078, registered on April 2, 2009, in international class 36; and
- European Union Trademark Registration no. 013019179, registered on July 31, 2015, in international classes 9,12, and 36.

The Complainant operates several domain names incorporating its LINEAR trademark, including but not limited to <linear.it>, <linear.eu>, and <linear.online>.

The disputed domain name, <assicurati-con-linear.online>, was registered on October 5, 2024, by the Respondent. The Respondent uses the disputed domain name to host a website that invites users to submit personal information by advertising a 50% discounted car insurance quote.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant asserts that the disputed domain name incorporates the Complainant's registered trademark LINEAR in its entirety, which is well-known globally for insurance services.

The addition of generic or descriptive terms "assicurati con" (translated from Italian as "insured with") does not diminish the confusing similarity but rather increases the likelihood of consumer confusion by suggesting an affiliation with the Complainant's trademark.

The Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has not authorized the Respondent to use its trademark, nor is there any evidence that the Respondent is commonly known by the disputed domain name. Additionally, the Respondent has not demonstrated any bona fide offering of goods or services or a legitimate noncommercial use of the disputed domain name.

The Complainant argues that the Respondent registered and is using the disputed domain name in bad faith. The disputed domain name was intended to exploit the goodwill and reputation associated with the Complainant's trademark.

The inclusion of the Italian term "assicurati con" in the disputed domain name explicitly references the Complainant's core insurance services, exacerbating the likelihood of confusion.

The Complainant further argues that the Respondent's use of the disputed domain name creates a false impression of affiliation or endorsement, thereby undermining the Complainant's business and misleading consumers about the source or legitimacy of the services offered via the disputed domain name.

Based on these contentions, the Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed a complainant must prove that:

- (i). the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii). the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii). the disputed domain name was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The inclusion of additional terms does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Respondent is not commonly known by the disputed domain name, nor has the Respondent made any demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services.

Panels have held that where a domain name consists of a trademark plus an additional term (at the second or top-level), such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1. Here, the incorporation of the Complainant's well-known LINEAR trademark with a descriptive term associated with the Complainant's activities effectively impersonates or suggests sponsorship or endorsement by the Complainant. Moreover, the evidence indicates that the Respondent's use of the disputed domain name is designed to unfairly capitalize on the goodwill of the Complainant's trademark for commercial gain.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy sets out circumstances, in particular but without limitation, that, if found to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Respondent intentionally attempted to attract, for commercial gain, Internet users to the disputed domain name by creating a likelihood of confusion with the Complainant's well-known trademarks. This includes the unauthorized use of the Complainant's trademark, which misleads Internet users into believing that the disputed domain name is associated with the Complainant.

The Respondent has reproduced the Complainant's distinctive trademarks without authorization. The disputed domain name has been used to promote or distribute content that misrepresents its source. The website advertises car insurance quotes with claims of significant discounts (e.g., "50% off") and provides false contact details, including a Milan address and Bologna-area phone number, to create a deceptive impression of affiliation with the Complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate bad faith registration and use of a domain name. The evidence in this case supports a finding of bad faith under this provision. [WIPO Overview 3.0](#), section 3.2.1.

Based on the above, the Panel finds that the Complainant has established the third element 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 <assicurati-con-linear.online> be transferred to the Complainant.

*/Eva Fiammenghi/*

**Eva Fiammenghi**

Sole Panelist

Date: January 7, 2025