

ADMINISTRATIVE PANEL DECISION

Unipolsai Assicurazioni S.p.A. v. modou mbye
Case No. D2024-4987

1. The Parties

The Complainant is Unipolsai Assicurazioni S.p.A., Italy, represented by Bugnion S.p.A., Italy.

The Respondent is modou mbye, Italy.

2. The Domain Name and Registrar

The disputed domain name <unipolsaib.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 3, 2024. On December 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 4, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 5, 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 December 5, 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 December 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 3, 2025.

The Center appointed Anna Carabelli as the sole panelist in this matter on January 10, 2025. 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

Founded in January 2014, the Complainant is a multi-branch insurance company and a subsidiary of Unipol Gruppo S.p.A. It operates in Italy through over 1,990 agencies and 5,200 sub-agencies offering a wide range of insurance solutions, including health insurance through the specialized company UniSalute which reported EUR 796 million in premium in 2023. The Complainant offers a network of affiliated and proprietary medical centers providing a full range of digital health services, including telemedicine, home care, physiotherapy and nursing. The Complainant also provides direct insurance through Linear Assicurazioni, and is overseeing the bank insurance channel, through Arca Vita e Arca Assicurazioni, that distribute life and non-life policies through national banking groups

In 2023, the Complainant's direct income totaled approximately EUR 15.1 billion, of which EUR 8.7 billion in non-life business and EUR 6.4 billion in life business.

The Complainant owns several trademark registrations consisting of or including UNIPOLSAI in various jurisdictions, including the following:

- International trademark registration No. 1158882 for UNIPOLSAI (word mark) registered on January 25, 2013, renewed on January 25, 2023, in classes 9, 16, 35 and 36;
- Italian trademark registration No. 362022000146688 for UNIPOLSAI (word mark), filed on October 18, 2022, renewal of the trademark originally filed on December 19, 2012, under No. 302012902111922 in classes 9, 16, 35 and 36;
- Italian trademark registration No. 302023000022389 for UNIPOLSAI (word mark) registered on July 14, 2023, in classes 9, 35, 36, 38, 41 and 44;
- Italian trademark registration No. 302021000099950 for UNIPOLSAI ASSICURAZIONI (figurative mark), registered on January 3, 2022, in classes 9, 16, 35, 36 and 41;
- European Union trademark registration No. 018479175 for UNIPOLSAI ASSICURAZIONI (figurative mark), registered on September 30, 2021, in classes 9, 16, 35, 36 and 41;
- European Union trademark registration No. 018835398 for UNIPOL (word mark) registered on June 24, 2023, in classes 9, 35, 36, 38 and 41;

The Complainant also owns the domain names <unipolsai.it>, registered on March 8, 2012, and <unipolsai.com>, registered on November 20, 2012, which are used by the Complainant to promote its services under the trademark UNIPOLSAI.

The disputed domain name was registered on September 28, 2024, and resolves to an Italian webpage displaying the terms "unipol sai", under which the phrase "Protezione affidabile e amichevole" appears (in English: "Reliable and friendly protection"). At the bottom of the web page, the terms "Abbonati" and "Registrati per essere tra i primi a ricevere gli aggiornamenti" (in English: "Subscribe" and "Register to be the first to receive updates") are displayed, alongside a contact form inviting users to provide their email details, and the following copyright notice "Copyright © 2024 Unipol Sai - Tutti i diritti riservati" ("All rights reserved").

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 contends that:

- The Complainant's UNIPOLSAI trademark is distinctive and well known;
- The disputed domain name is confusingly similar to a trademark in which the Complainant has rights, since it consists of the Complainant's UNIPOLSAI mark with the addition of the letters "cb" which has no apparent meaning in this context;
- The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not authorized or somehow given consent to the Respondent to register and use the disputed domain name and the Respondent's use of the disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use.
- The disputed domain name was registered and is being used in bad faith. The prior existence of the Complainant's UNIPOLSAI trademark and domain names, and the well-established reputation of the Complainant's mark suggests that the Respondent registered the disputed domain name having in mind the Complainant's mark, with the intent to attract Internet users searching for the Complainant's legitimate business, by leveraging the goodwill associated with the Complainant's mark.

Based on the above the Complainant requests the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to decide the complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (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 has been registered and is being used in bad faith.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if proved by the respondent, shall be evidence of the respondent's rights to or legitimate interests in a disputed domain name for the purpose of paragraph 4(a)(ii) of the Policy above.

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 Panel finds the entirety of the Complainant's registered trademark UNIPOLSAI is reproduced and recognizable 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 addition of the generic Top-Level Domain, such as ".com", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of another element -here the letters "cb" having no apparent meaning in this context- may bear on assessment of the second and third elements, the Panel finds the addition of such element does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds 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.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

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. There is no indication before the Panel of any activity in relation to the disputed domain name that would give rise to rights or legitimate interests to the Respondent.

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 establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Complainant's UNIPOLSAI trademark has been continuously and extensively used for many years and has, as a result, acquired widespread reputation and a high degree of recognition, particularly in Italy where the Respondent appears to be located, as recognized by prior UDRP decisions. See *UnipolSai Assicurazioni S.p.A. v. Privacy Protect, LLC / Luca Furcuti*, WIPO Case No. [D2020-0128](#); *UnipolSai Assicurazioni S.p.A. v. Antonio Lupia*, WIPO Case No. [D2020-0129](#).

In view of the well-known character of the UNIPOLSAI trademark, it is difficult to believe that the Respondent did not have in mind the Complainant's trademark when registering the disputed domain name which fully incorporates the Complainant's well-known trademark. Prior panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. As to bad faith use, the evidence submitted with the Complaint shows that the disputed domain name resolves to an Italian webpage prominently displaying the terms "UNIPOL SAI" and the phrase "Protezione affidabile e amichevole" (in English: "Reliable and friendly protection"). At the bottom of the web page, the terms "Abbonati" and "Registrati per essere tra i primi a ricevere gli aggiornamenti" (in English: "Subscribe" and "Register to be the first to receive updates") appear, alongside a contact form inviting users to provide their email details, and the notice "Copyright © 2024 Unipol Sai - Tutti i diritti riservati" ("All rights reserved").

All the above suggests that the Respondent clearly targeted the Complainant's UNIPOLSAI mark with a deliberate intent to create an impression of an association with the Complainant and to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark. Indeed, the Complainant's trademark is not only fully incorporated in the disputed domain name as discussed above but is also prominently reproduced on the Respondent's web page with a minor variation consisting of the spacing between UNIPOL and SAI. The phrase "Reliable and friendly protection" suggests an association with insurance services. On the other hand, given the Complainant's renown, particularly, in Italy, it would be inconceivable for the Respondent to argue that it registered the disputed domain name for any legitimate purpose other than to target the Complainant's marks in an attempt to trade upon the Complainant's reputation and goodwill. Instead, the Panel infers that the Complainant's mark is so closely linked and associated with the Complainant that the Respondent's use of Complainant's mark, or a relatively minor variation of it, implies bad faith.

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 <unipolsaicb.com> be transferred to the Complainant.

/Anna Carabelli/

Anna Carabelli

Sole Panelist

Date: January 13, 2025