

ADMINISTRATIVE PANEL DECISION

Iveco S.p.A. v. Siamak Talebi Jooneghani
Case No. D2025-0138

1. The Parties

The Complainant is Iveco S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is Siamak Talebi Jooneghani, Tajikistan.

2. The Domain Name and Registrar

The disputed domain name <ivecoiran.com> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 15, 2025. On January 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 6, 2025.

The Center appointed Aaron Newell as the sole panelist in this matter on February 7, 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

The Complainant was founded on January 1, 1975. It is an award-winning Italian company that specializes in the manufacture of vehicles (including buses, trucks, vans and automobiles) and has more recently focused on emerging vehicle technologies such as hydrogen-powered transport. The Complainant has since the 1980's promoted itself with a number of high-visibility sports partnerships, including sponsorships of the Olympic Games and the FIFA Soccer World Cup. It presently employs over 25,000 people around the world and has production sites in eleven countries across five continents. The Complainant has used the trademark IVECO in respect of its business activities for approximately fifty years and enjoys a significant social media following, including 1.3 million followers on Facebook as at the time of the Complaint.

The Complainant owns numerous trademark registrations around the world for the trademark IVECO, including International Trademark Registration No. 426061 IVECO (word mark) registered on October 21, 1976, in classes 7, 9 and 12, designating, amongst others, Tajikistan (the jurisdiction of the Respondent), and European Union Trademark Registration No. 1006725 IVECO (stylized) in classes 7, 9 and 12, registered on March 27, 2000.

The disputed domain name was registered on April 28, 2024. There is no evidence that it has been used to load or redirect to a website at any time during its registration by the Respondent.

Through an agent the Complainant contacted and engaged with the Respondent in September 2024. During these discussions the Complainant's agent asked the Respondent as to its plans for the disputed domain name and enquired about the Respondent's willingness to transfer it for potential use by the Complainant in exchange for payment not exceeding the Respondent's estimated out-of-pocket costs for its registration. The Respondent did not address the first query, and in respect of the second stated as follows: "*I would like to say that the minimum price of this range is the price of one of the heavy vehicles of iveco company*" and, later, "*My suggested price for this domain is 29000 US dollars*".

Aside from brief further correspondence between the Parties in December 2024 where the Respondent appears to suggest that it could transfer the disputed domain name to interested third parties, the Respondent otherwise did not engage with the Complainant or its representatives. It also did not respond to the Complaint or engage in these proceedings. The Parties did not arrive at settlement pursuant to their correspondence in September and December 2024.

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:

- (i) the disputed domain name is confusingly similar to its reputed and well-known IVECO trademark because the Complainant's IVECO trademark is wholly contained within the disputed domain name, and the addition of the word "Iran" does not detract from the impression of the IVECO trademark;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Respondent has no license or other authorization to use the Complainant's IVECO trademark or to register or use the disputed domain name, there is no evidence that the Respondent is commonly known by a name corresponding to the disputed domain name, and there is no evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services or in respect of any legitimate or non-commercial or fair use;
- (iii) the disputed domain name was registered and is being used in bad faith, as the Respondent was aware of the Complainant and its reputed and well-known IVECO trademark at the time that it registered the

disputed domain name, the IVECO trademark is so obviously connected to the Complainant that the registration of the disputed domain name by the Respondent inherently suggests opportunistic bad faith, there is no conceivable good faith use to which the disputed domain name could be put by the Respondent, the Respondent registered the disputed domain name with the purpose of selling it to the Complainant for valuable consideration in excess of its out-of-pocket costs, and the Respondent has provided incomplete contact information in respect of its registration of the disputed domain name as it has omitted its street address in an attempt to evade the enforcement of the Complainant's rights.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

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

The Respondent's default does not automatically result in a decision in favour of the Complainant; however paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a Response as it considers appropriate.

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.

Although the addition of other terms (in this case the name of the country "Iran") may bear on assessment of the second and third elements, the Panel finds the addition of this 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. Further, when invited by Complainant to explain its plans for the disputed domain name, the Respondent failed to provide an answer.

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 Respondent failed to disclose any potential good faith reason for its use and/or registration of the disputed domain name, attempted to procure payment of USD 29,000 to release the disputed domain name, and suggested that there were interested third parties to which it could transfer the disputed domain name if the Complainant did not acquire it from the Respondent.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith.

These include:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

In the Panel’s view and absent any attempted justification from the Respondent for its registration of the disputed domain name, the Respondent’s conduct is clearly described by Paragraph 4(b)(i) of the Policy.

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

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 <ivecoiran.com> be transferred to the Complainant.

/Aaron Newell/

Aaron Newell

Sole Panelist

Date: February 21, 2025