

ADMINISTRATIVE PANEL DECISION

Iveco S.p.A. v. divine power
Case No. D2025-0369

1. The Parties

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

The Respondent is divine power, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <iveco-capital.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 30, 2025. On January 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 31, 2025, 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, Super Privacy Service LTD) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 31, 2025, 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 January 31, 2025.

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 February 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 24, 2025.

The Center appointed Daniel Kraus as the sole panelist in this matter on March 3, 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 is an Italian company, created in 1975 through the merge of five companies operating in Italy, France and Germany. The name IVECO is an acronym for Industrial Vehicle Corporation. Moreover, in 1990, the Complainant acquired 60% of ENASA, a leading truck manufacturer and producer of Pegaso commercial vehicles in Spain.

Employing over 25.000 people worldwide, the Complainant's vehicle production range covers the heavy, medium and light segments. The Complainant manages production sites in 11 countries throughout Europe, Asia, Africa, Oceania and Latin America where it manufactures vehicles featuring the latest advanced technologies. 5,000 sales and service outlets in over 160 countries guarantee technical support wherever a vehicle of the Complainant is at work.

The Complainant is proprietor of several trademark registrations for IVECO (fig.) for numerous countries, among them International Registration 426061 registered on October 21, 1976, in Italy, Switzerland and Hungary and many other countries in classes 7, 9, 12, being in effect; and also is proprietor of several trademark registrations for IVECO CAPITAL, among them International Registration 1220456, registered on June 9, 2014 in class 36.

IVECO CAPITAL is the financial services brand for the IVECO group. The Complainant owns the domain names <iveco.com> and <ivecocapital.com>.

The disputed domain name was registered on January 16, 2025. Previously, the disputed domain name resolved to a website displaying the Complainant's IVECO and IVECO CAPITAL marks and promoting financial services related to cryptocurrency investments. Currently and at the time the Complaint was filed, it resolves to a pay-per-click parking page with advertisement links containing references to business sites related to vehicle accessories. Mail exchanger records (MX records) for use in connection with email communication were displayed in the DNS configuration of the disputed domain name.

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 disputed domain name entirely reproduces the denominative element of Complainant's trademark IVECO CAPITAL and incorporates completely the Complainant's trademark IVECO whereas the additional part "-capital" is not distinctive.

The Complainant also confirms that the Complainant has not licensed or otherwise permitted the Respondent to use the Complainant's IVECO trademarks.

The Complainant contends that the registration and the use of the disputed domain name occurred in bad faith due to the Complainant's trademarks being well-known and the website originally resolving to a website featuring the Complainant's marks, publishing images related to IVECO vehicles and IVECO CAPITAL and promoting financial services related to cryptocurrency investments and then pointing to pay-per-click links related to competitors, vehicles accessories not related to the Complainant.

B. Respondent

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

6. Discussion and Findings

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.

Both the IVECO and IVECO CAPITAL marks of the Complainant are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The addition of the hyphen and the word "capital" at the end do not prevent a finding of confusing similarity between the disputed domain name and the mark IVECO 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. This is in particular the case, since the Complainant did not grant any permission or consent to the Respondent to use its trademarks. Furthermore, the Respondent has no legitimate interest in the disputed domain name since there is no indication that the Respondent is commonly known by the disputed domain name nor that the Respondent is using the disputed domain name in connection with a bona fide offering of related goods or services. Pay-per-click links do not represent bona fide offering of goods where such links lead to competitors of the Complainant under a confusingly similar disputed domain name. The previous use of the disputed domain name to resolve to an impersonating website and purportedly offering financial services also do not give rise to rights or legitimate interests. [WIPO Overview 3.0](#), section 2.13.1

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 Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

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 due to the long standing of the Complainant and its trademarks worldwide at the time of the registration of the disputed domain name, the Respondent must have been well aware of the Complainant and its trademarks when registering the disputed domain name.

The Respondent's failure to come forward with any explanation for the registration of the disputed domain name which is almost identical to the Complainant's domain name <ivecocapital.com> in a response further support the finding that the Respondent targeted the Complainant.

Also the further circumstances of this case, inter alia, the disputed domain name pointing first to a website impersonating the Complainant and then to a website with advertising links containing references to competitors of the Complainant, indicate that the Respondent registered and uses the disputed domain name primarily with the intention to attract, for commercial gain, Internet users to its website or other online locations. This by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The bad faith finding is also supported by the presence of MX records in the DNS configuration of the disputed domain name, as they may be potentially used for abusive email communications.

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 <iveco-capital.com> be transferred to the Complainant.

/Daniel Kraus/

Daniel Kraus

Sole Panelist

Date: March 17, 2025