

ADMINISTRATIVE PANEL DECISION

CLARIANE v. claudio morelli, korian

Case No. D2025-0403

1. The Parties

The Complainant is CLARIANE, France, represented by Scan Avocats AARPI, France.

The Respondent is claudio morelli, korian, Italy.

2. The Domain Name and Registrar

The disputed domain name <korianliguriainvest.com> ("Domain Name") is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on January 31, 2025. On February 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, 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.

On February 5, 2025, the Center informed the parties in Italian and English, that the language of the registration agreement for the Domain Name is Italian. On February 12, 2025, the Complainant submitted an amended Complaint where it requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

The Center verified that the Complaint together with the amended 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 in both English and Italian, and the proceedings commenced on February 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 6, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on March 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

The Complainant provides care services to the elderly and the vulnerable, notably through the management of retirement homes and specialized clinics. It manages a network of long-term care nursing homes, specialized clinics, assisted living facilities and shared housing for seniors, home care and hospital home care services. The Complainant has three main activities: care homes, healthcare facilities and services, and home and alternative living solutions. Serving more than 300,000 patients or residents in six European countries, with more than 1,300 facilities, the Complainant employs more than 60,000 people in Europe and had a EUR 5,047 million group turnover in 2023. The Complainant was recently awarded the title of "Customer Service of the Year 2025" for the sixth year.

Established in 2003 under the name "Korian", the Complainant is a publicly traded company since 2006. The Complainant changed its company name to "Clariane" in 2023 but is still widely known as "Korian" and uses the name "Korian" also through its websites, including the website at "www.korian.it" which is dedicated to its activities in Italy. The Complainant maintains 12 nursing homes and several "Korian" clinics in Italy, including in Liguria.

The Complainant is the owner of several KORIAN trademark registrations, including:

- the European Union trademark registration No. 005192224, KORIAN (word), filed on July 11, 2006 and registered on August 29, 2007 for goods and services in international classes 16, 35, 36, 38, 39, 41, 43, and 44; and
- the International trademark registration No. 1210590, KORIAN (word), registered on February 27, 2014 for goods and services in international classes 16, 35, 36, 38, 39, 41, 42, 43, and 44.

Furthermore, the Complainant owns domain name registrations for KORIAN as follows:

<korian.com> domain name registered on May 14, 1999;
<korian.fr> domain name registered on November 17, 2008; and
<korian.eu> domain name registered on February 4, 2009.

The Domain Name was registered on September 18, 2024 and leads to an inactive website stating that the website is under construction.

Per Complaint, the Respondent registered also the domain name <gruppokorian.it> on the same date as the disputed domain name and for this reason the Complainant sent a cease-and-desist letter to the Respondent on October 17, 2024, requesting the transfer of the two domain names. The Respondent agreed to proceed with the deletion of the two domain names but he finally deleted only the domain name <gruppokorian.it>.

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 Domain Name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which the Complainant must satisfy with respect to the Domain Name:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and

(iii) the Domain Name has been registered and is being used in bad faith.

Language of the Proceeding

The language of the Registration Agreement for the Domain Name is Italian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English because the Domain Name includes the English word “invest” which has no meaning in Italian and because the Respondent replied to the Complainant in English when the Complainant sent him a cease-and-desist letter on October 17, 2024. From the above it follows that the Respondent is fully capable of understanding and communicating well in English. The English language is therefore fair to both parties, especially considering the excessive costs the Complainant would incur for translating the Complaint into Italian.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 Domain Name. [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 Domain Name. Accordingly, the 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, here, “Liguria” and “invest” may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain (“gTLD”) “.com” is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

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 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 Domain Name such as those enumerated in the Policy or otherwise.

Furthermore, the Respondent had previously agreed to cancel the Domain Name to the Complainant, after the Complainant sent him a cease-and-desist letter but at the end he did not transfer it.

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.

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, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, which has been repeatedly recognized (e.g. *Korian v. Carolina Rodrigues*, WIPO Case No. [D2023-2885](#)) and the composition of the Domain Name, which includes the Complainant’s KORIAN trademark in its entirety along with the word “liguria” which is a place where the Complainant maintains some of its clinics and finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy.

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 Domain Name <korianliguriainvest.com> be transferred to the Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: March 25, 2025