

ADMINISTRATIVE PANEL DECISION

Banca Monte dei Paschi di Siena S.p.A v. Vishniakov Dmitrii Viktorovich
Case No. D2025-1788

1. The Parties

The Complainant is Banca Monte dei Paschi di Siena S.p.A, Italy, represented by Rapisardi Intellectual Property, Italy.

The Respondent is Vishniakov Dmitrii Viktorovich, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <mps-group.pro> is registered with RU-CENTER-MSK (Regional Network Information Center, JSC dba RU-CENTER) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on May 5, 2025. On May 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 6, 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, Privacy protection service - whoisproxy.ru) and contact information in the Complaint. On May 7, 2025, the Center sent an email communication to the Complainant in English and Russian, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. With the same communication, the Center also informed the Parties in English and Russian that the language of the registration agreement for the disputed domain name was Russian. The Complainant filed an amendment to the Complaint on May 7, 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 in English and Russian, and the proceedings commenced on May 9, 2025. With the same communication, the Center also informed the Respondent in English and Russian that the Complaint included a request that English be the language of the proceedings and that the Respondent had an



opportunity to submit any comments on the Complainant's proposed language of the proceedings with its Response. In accordance with the Rules, paragraph 5, the due date for Response was May 29, 2025. The Respondent did not submit any response or comments on the language of the proceeding. Accordingly, the Center notified the Respondent's default on May 30, 2025.

The Center appointed Assen Alexiev as the sole panelist in this matter on June 4, 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 established in its present form in 1624, which makes it according to the Complainant, the world's oldest bank still in operation, and is the fifth largest Italian commercial and retail bank. It provides traditional banking services, asset management, private banking, investment banking and innovative business financing. It has offices in Italy, the Russian Federation, Morocco, Algeria, Tunisia, Egypt, Türkiye, India, and China. The Complainant also provides online banking services through the websites at the domain names <mps.it>, registered on November 20, 1997, and <gruppomps.it>, registered on September 7, 2001.

The Complainant is the owner of a number of trademark registrations covering the sign "MPS" alone or in combination with other elements, including "group" (jointly, the "MPS trademarks"), including the following representative registrations:

- the International trademark  with registration No. 524473, registered on May 21, 1988, for services in International Class 36; designating several jurisdictions, including the Russian Federation, where the Respondent is located;
- the International trademark  with registration No. 598096, registered on February 10, 1993, for services in International Class 36; and
- the International trademark MPS (word) with registration No. 824744, registered on April 14, 2004, for services in International Class 36.

The disputed domain name was registered on October 12, 2024. It is inactive.

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.

The Complainant states that the disputed domain name is confusingly similar to its MPS trademarks and to its domain names, because it is a combination of "mps" and the English dictionary word "group".

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name, because the Complainant has never authorized anyone to register or use any domain name combining the MPS trademarks with the word "group" or other similar words, and the Respondent has no relevant trademark rights.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. According to it, it is inconceivable that the Respondent registered the disputed domain name without prior knowledge of the Complainant and of the MPS trademarks, and the Respondent chose to register the

disputed domain name to take advantage of their reputation. The Complainant maintains that the Respondent must have been aware that the Complainant would be interested in the ownership of the disputed domain name, and points out that the timing of the registration of the disputed domain name closely follows the news of the Complainant's soaring profits and falls within a period of significant expansion of its group. In the Complainant's view, the Respondent's purpose to register the disputed domain name was to disrupt the Complainant's business and reputation or to resell it to the Complainant or to one of its competitors at a profit. According to the Complainant, there is no evidence that the Respondent prepared to use the disputed domain name in a legitimate manner.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural issue - Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Russian. 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 requests that the language of the proceeding be English, and notes that the disputed domain name includes the English word "group", so it can be assumed that the Respondent understands English. The Respondent did not express any position with respect to the language of the proceeding and did not submit any reasons why the use of English would be unfair or otherwise inappropriate.

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. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1.

Having considered 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 disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the MPS trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the MPS trademarks are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the MPS trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "group") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the MPS trademarks for the purposes of the Policy, even more so considering that some of these trademarks include the same term "group". [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.

The disputed domain name is confusingly similar to the Complainant’s MPS trademarks, which have been registered and used for many years for banking services in a number of countries around the world, including in the Russian Federation, where the Respondent is located. The disputed domain name is also confusingly similar to the Complainant’s domain name <gruppomps.it>, which was registered 23 years earlier and resolves to the Complainant’s official website. This confusing similarity may mislead Internet users that the disputed domain name is an official online location of the Complainant, which significantly increases their risk exposure considering that the Complainant is offering banking services. There is no evidence that the disputed domain name has been used since its registration in 2024. The Respondent has not provided any plausible explanation as to why it has registered the disputed domain name and how it intends to use it.

In view of the above, and in the absence of any arguments or evidence supporting a different conclusion, the Panel accepts as more likely than not that the Respondent has targeted the Complainant and its MPS trademark with the registration of the disputed domain name in an attempt to secure for itself financial gain or other commercial advantage. Such conduct cannot give rise to rights or legitimate interests in the disputed domain name.

The Panel therefore 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 and reputation of the Complainant, achieved through its banking operations over several centuries, the distinctiveness and reputation of its MPS

trademarks, registered and used for the provision of banking services for many years in a number of countries, including the Russian Federation, where the Respondent is located, the composition of the disputed domain name, which is confusingly similar to the Complainant's MPS trademarks and the Complainant's domain name and may mislead Internet users that it represents an online location offering the Complainant's banking services, and the failure of the Respondent to submit a Response or to provide any evidence of any contemplated good faith use of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under 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 <mps-group.pro> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: June 12, 2025