

ADMINISTRATIVE PANEL DECISION

Compagnia Assicuratrice Linear S.p.A. v. Gianni Spada
Case No. D2025-2052

1. The Parties

The Complainant is Compagnia Assicuratrice Linear S.p.A., Italy, represented by Bugnion S.p.A., Italy.

The Respondent is Gianni Spada, Italy.

2. The Domain Name and Registrar

The disputed domain name <assicurazonelinear.com> is registered with Register SPA (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 23, 2025. On May 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 26, 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 (RESPONDENT FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant May 26, 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 May 27, 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 May 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 20, 2025.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on June 25, 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 insurance company specialized in motor vehicle insurance, founded in 1995 and part of Unipol Assicurazione S.p.A., one of the Italian's leading insurance groups.

The Complainant operates primarily in Italy offering vehicle, home and family insurance products through online platforms and call centers. The Complainant's online insurance services are available through its official website at "www.linear.it".

The Complainant is the owner of the following trademarks:

- LINEAR (word), Italian registration No. 0001181078, registered on April 2, 2009, for services in class 36;
- LINEAR (word), European Union registration No. 013019179, registered on July 31, 2015, for goods and services in classes 9, 16 and 36.

The Complainant is also the owner of various domain names consisting of the trademark LINEAR, including <linear.it>, <linear.biz>, <linear.eu>, and <linear.agency>.

The disputed domain name was registered on March 2, 2025. It initially resolved to a webpage displaying the wording "ASSICURAZIONE LINEAR BOLOGNA" along with a mobile phone number and an invitation to call for free advice. After the Complainant objected to the contents, the Internet Service Provider ("ISP") suspended the website associated with 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 is confusingly similar to the Complainant's LINEAR mark as it includes it entirely preceded by the Italian word "assicurazione", which means "insurance" in English. The addition of this descriptive word does prevent a finding of confusing similarity between the disputed domain name and the Complainant's mark but rather strengthens the direct link of the disputed domain name with the Complainant.

The Complainant further maintains that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant did not license or otherwise authorize the Respondent to use its LINEAR mark in any manner whatsoever including as part of the disputed domain name.

The Complainant affirms that the Respondent is not making a legitimate, noncommercial or fair use of the disputed domain name. There is no plausible or rational reason for registering or using the disputed domain name other than to take advantage of the Complainant's rights. Until the time the disputed domain name was suspended, following the Complainant's notification of its infringing content to the ISP, the disputed domain name resolved to a webpage prominently displaying the wording "ASSICURAZIONE LINEAR BOLOGNA", which in English would be "INSURANCE LINEAR BOLOGNA", and a phone number. The Complainant is located in the town of Bologna, Italy. The webpage invited the Internet visitor to get in touch

to obtain free advice. As such, the disputed domain name and the associated webpage provided the strong impression that the disputed domain name was connected to the Complainant.

Lastly, the Complainant contends that the disputed domain name has been registered and is being used in bad faith. The LINEAR mark enjoys extensive reputation as testified by the high brand awareness, the various awards and recognitions obtained, and the market share of the LINEAR insurance services in Italy. Moreover, the LINEAR mark is distinctive. The Respondent's intentional use of the term "linear" combined with the descriptive word "assicurazione" to create the disputed domain name, is not coincidental. The addition of the word "assicurazione", leaves no doubt that the Respondent was fully aware of the existence of the LINEAR mark when it registered the disputed domain name. Accordingly, the registration of the disputed domain name incorporating the Complainant's well-known mark was made in bad faith to disrupt the Complainant's business.

As the Respondent used the disputed domain name to lead to a webpage displaying the Complainant's mark and the word "assicurazione", inviting Internet visitors to make contact for free advice, the Complainant affirms that the Respondent was deliberately attempting to mislead consumers as to the source, sponsorship, affiliation or endorsement of the disputed domain name and associated website to interfere with the Complainant's business. Accordingly, the Respondent has been using the disputed domain name in bad faith.

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. In particular, the Complainant has shown that it is the owner of the LINEAR mark registered in Italy and the European Union for, amongst others, insurance services in class 36.

The Panel finds the mark is recognizable within the disputed domain name. Although the addition of the word "assicurazione" may bear on assessment of the second and third elements, the Panel finds the addition of such word 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.

Accordingly, the disputed domain name is confusingly similar to the LINEAR mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that the Complainant has established the first element of paragraph 4(a) of the Policy.

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 Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the LINEAR mark. The Complainant has prior rights in the LINEAR mark, which precede the Respondent’s registration of the disputed domain name. The Respondent does not appear to be commonly known by the disputed domain name. The disputed domain name has been used to resolve to a webpage displaying the LINEAR mark prominently along with the descriptive Italian term “assicurazione”, which means “insurance” in English, and the geographical term “Bologna”, which is the name of the Italian town where the Complainant is located. A mobile phone number was also indicated on the webpage, while the Italian wording “contattaci per una consulenza gratuita” invited potential customers to get in touch for free advice. Hence, it is clear that through the disputed domain name and underlying webpage, the Respondent was attempting to impersonate the Complainant to divert the Complainant’s potential customers to its own phone number for some kind of personal advantage.

Panels have held that the use of a domain name for an illegitimate activity such as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [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.

In light of the foregoing, 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 mark enjoys reputation, at least in Italy, in the insurance field. Moreover, the LINEAR mark is distinctive. The Respondent is an Italian individual, and the webpage associated with the disputed domain name is in Italian. The telephone number displayed on the webpage is an Italian mobile phone number. The disputed domain name and the related webpage contain the word “assicurazione”, thus referring to the services offered by the Complainant. Accordingly, there can be no doubts as to the fact that the disputed domain name was registered being aware of the Complainant and of its LINEAR mark. Rather, it is very clear that the Respondent decided to register the disputed domain name on purpose, precisely because of the existence of the Complainant and of its well-known LINEAR mark.

The registration of a domain name confusingly similar to a third party’s earlier mark, being aware of such mark and without rights or legitimate interests, amounts to registration in bad faith.

As far as use in bad faith is concerned, as mentioned above, the Respondent has impersonated the Complainant creating a misleading domain name and webpage, targeting the Complainant’s potential customers luring them to call the phone number indicated on the webpage associated with the disputed domain name to allegedly get free insurance advice. Most likely, when the unsuspecting potential customer

called the phone number listed on the webpage, he or she was induced to purchase services and probably to reveal personal and sensitive information to the Respondent.

Accordingly, the Panel finds that the Respondent has been using the disputed domain name in bad faith, to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's web site by creating a likelihood of confusion with the Complainant's mark.

Although the disputed domain name is currently no longer active, its passive use cannot prevent a finding of bad faith.

Accordingly, the Panel finds that the Complainant has established the third and last 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 <assicurazionelinear.com> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: July 9, 2025