

ADMINISTRATIVE PANEL DECISION

Banca Monte dei Paschi di Siena S.p.A. v. Name Redacted
Case No. D2025-2999

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 Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <be-montepaschi.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 28, 2025. On July 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 4, 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 the same day.

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”).

¹The Respondent appears to have used the name and/or contact details of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in these proceedings, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2025. The Respondent did not submit any response. On August 25 and 28, 2025, a third party sent email communications to the Center. The Center informed the Parties that it would proceed to panel appointment on August 28, 2025.

The Center appointed Alfred Meijboom as the sole panelist in this matter on September 5, 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 one of the world's oldest bank and claims to be the fourth largest commercial and retail bank in Italy with 2,000 branches, 26.000 employees and 5.1 million customers all over the world. The Complainant has been using the name "Montepaschi" for its bank services since 1472. The Complainant holds several trademark registrations in many jurisdictions, including:

- Italian stylized mark MONTE PASCHI with registration number 538309 of December 28, 1990, for services in class 36;
- Unites States trademark MONTE PASCHI with registration number 1947803 of January 16, 1996, for services in class 36; and
- European Union stylized mark GRUPPO MONTEPASCHI with registration number 7229834 of March 23, 2009, for services in classes 35, 36 and 38.

The Complainant also holds several domain names, including the domain name <montepaschi.com> which was registered on September 7, 2001.

The disputed domain name was registered on November 14, 2024, and does not resolve to an active website except for the message displayed as follows: "This site can't be reached. be-montepaschi.com's DNS address could not be found".

On August 25, 2025, the Center received an email from a third party stating:

"We would like to clarify that we have no ownership, control, or any connection whatsoever with this domain name. We are not the registrant, nor have we ever had any involvement in its registration or use. We do not understand why our contact details have been associated with this matter. Given this situation, we kindly request your confirmation and further clarification to ensure that our identity has not been mistakenly linked or misused in this proceeding".

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 identical or at least highly similar to the Complainant's company name and the MONTEPASCHI trademarks and domain names, and the addition of "be" does not in any way prevent or change the disputed domain name into being distinguishable or acceptable.

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 a third party to register and/or use domain names comprising the term "Montepaschi", nor has any third party registered a trademark MONTEPASCHI anywhere in the world that may justify the registration and use of the disputed domain name. The Complainant also contends that the disputed domain name is occupied solely in bad faith because it does not resolve to an active website.

The Complainant contends that the Respondent registered the disputed domain name in bad faith because the disputed domain name comprises the MONTEPASCHI trademark in its entirety, which trademark is well-known as a result of the fact that the term is a fanciful expression which since 1472 exclusively identifies the activities and services of the Complainant. According to the Complainant, the Complainant and its MONTEPASCHI trademarks have acquired renown, goodwill and reputation for bank services not only in Italy but all over the world through the centuries. Therefore, the Complainant contends that, based on the distinctive nature and reputation of the MONTEPASCHI trademarks, the Respondent knew or at least should have known that the name and mark were owned by the Complainant. Furthermore, after learning the Respondent's details following registrar verification, the Complainant claims that the Respondent is a French wealth management firm with its registered office in Paris, where the Complainant also has a branch specializing in wealth management, which reinforces the Complainant's assumption that the Respondent must have been aware of the Complainant's MONTEPASCHI trademarks when it registered the disputed domain name.

The Complainant contends that the purpose of the registration of the disputed domain name must have been for the purpose of selling the disputed domain name to the Complainant or one of its competitors for a much higher sum with respect to the costs sustained for its registration, or, in order to prevent the Complainant from registering the corresponding domain name itself and disrupting its business in doing so. In alignment with this, the Complainant alleges that panels have tended to view respondents' defenses claiming that a domain name was merely registered for legitimate speculation with skepticism when the disputed domain name is identical or confusingly similar to a highly distinctive or famous mark, which the Complainant's MONTEPASCHI trademarks are. According to the Complainant the Respondent never wanted to use the disputed domain name in good faith and there is no evidence showing that the Respondent ever prepared itself to use the disputed domain name in a lawful manner. The Complainant concludes that all of this, together with the Respondent's lack of rights or legitimate interests in respect of the disputed domain name, leads to the conclusion that the Respondent has registered and used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the consensus view of UDRP panels is that the respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in this proceeding. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

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

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 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 Panel finds the Complainant's MONTEPASCHI trademark is included in its entirety in the disputed domain name. Although the prefix "be" may bear on assessment of the second and third elements, the Panel finds this does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's MONTEPASCHI trademark for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the Complainant's MONTEPASCHI trademark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7, 1.8 and 1.9.

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 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 is satisfied that the Complainant's MONTEPASCHI trademark is a fanciful expression which has been used on an exclusive basis by the Complainant to distinguish its services since 1472 and in the course have acquired renown, goodwill, and reputation for bank services globally (similarly, e.g., *Banca Monte dei Paschi di Siena S.p.A. v. Registration Private, Domains By Proxy, LLC / Paul Cambria*, WIPO Case No. [D2020-3243](#); *Banca Monte dei Paschi di Siena S.p.A. v. WhoisGuard Protected, WhoisGuard, Inc. / roberto caso*; WIPO Case No. [D2021-0394](#)). In absence of an explanation to the contrary which the Respondent did not offer, it is therefore likely that the Respondent must have had the Complainant's MONTEPASCHI trademarks in mind when it registered the disputed domain name, which was therefore made in bad faith.

Further, the non-use of a domain name does 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 MONTEPASCHI trademark, the composition 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. The Complainant further alleged that the Respondent registered the disputed domain name with the Complainant's MONTEPASCHI trademarks in mind, and the Panel considers it incumbent upon the Respondent to clarify which good faith use it intended with regard to the disputed domain name, which it failed to do. Under these circumstances, the Panel deems it plausible that the disputed domain name was registered and used in bad faith.

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 <be-montepaschi.com> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: September 16, 2025