

ADMINISTRATIVE PANEL DECISION

Banca Monte dei Paschi di Siena S.p.A. v. Gururaj Balakrishna, Mercury Payments Services LLC
Case No. D2026-0160

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 Gururaj Balakrishna, Mercury Payments Services LLC, United Arab Emirates.

2. The Domain Names and Registrar

The disputed domain names <mps-pay.com> and <mps-pay.net> are registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 15, 2026. On January 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <mps-pay.com>. On January 15, 2026, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 20, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant submitted an amendment to the Complaint on January 23, 2026. On January 27, 2026, the Complainant requested the addition of the disputed domain name <mps-pay.net> and filed an amended Complaint including the disputed domain names. On January 30, 2026, the Center transmitted by email to the Registrar a request for confirmation in connection with the disputed domain name <mps-pay.net>. On February 2, 2026, the Registrar confirmed the Respondent is listed as the registrant and providing the contact details.

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, and the proceedings commenced on February 4, 2026. In accordance with the Rules, paragraph 5, the original due date for the Response was February 24, 2026. The Respondent sent an email communication to the Center on January 23, 2026. On February 6, 2026, the Complainant requested a suspension for the proceedings to explore the opportunity to enter into settlement discussions with the Respondent, followed by the requests for extension on March 16, April 16, 2026, May 28, 2026, and June 4, 2026. The proceeding was reinstituted on July 9, 2026, and the Center confirmed that the new Response due was July 27, 2026. On July 28, 2026, the Center informed the Parties of the commencement of the panel process.

The Center appointed Jeremy Speres as the sole panelist in this matter on July 30, 2026. 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, founded in its present form in 1624, is a commercial and retail bank that trades under the initials of its corporate name Banca Monte dei Paschi di Siena S.p.A. in the form of “MPS”.

The Complainant’s MPS mark has been recognized as being well known by prior panels under the Policy. See, for example, *Banca Monte dei Paschi di Siena S.p.A v. maurizio dinoia, dinoia*, WIPO Case No. [D2021- 0392](#).

The Complainant is the owner of various trademark registrations comprising the mark MPS. Such registrations include International Trademark Registration Number 824744 MPS (word), registered on April 14, 2004, in class 36 and designating over 40 countries.

The Complainant operates a website at “www.mps.it” and offers online banking services.

The disputed domain names were both registered on February 24, 2025. Presently, the disputed domain name <mps-pay.com> resolves to a Registrar parking page stating “Launching Soon”, and the disputed domain name <mps-pay.net> resolves to a Registrar parking page featuring pay-per-click (“PPC”) advertisements, including for payment services.

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 names.

Notably, the Complainant contends that its MPS mark is well known and that the Respondent could not plausibly have registered domain names combining “mps” with the descriptive term “pay” without prior knowledge of, and an intent to target, it.

B. Respondent

The Respondent did not reply to the Complainant’s contentions. The only communication on record from the Respondent is an informal email sent prior to formal notification of the Complaint, simply stating that the Respondent had “no context” for the matter.

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 names. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, here "-pay", 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 names and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 that 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 3.1](#), 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 names. The Complainant's MPS mark was well known in the financial sector prior to registration of the disputed domain names, and the Complainant's MPS mark is wholly contained within the disputed domain names along with the word "pay" which is descriptive of its business. 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 names such as those enumerated in the Policy or otherwise.

Use of a domain name to host PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark, as in the case of the disputed domain name <mps-pay.net>. [WIPO Overview 3.1](#), section 2.9.

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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain names to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain.

The Complainant's MPS mark was well known in the financial sector prior to registration of the disputed domain names, and the disputed domain names are associated with that sector through use of the descriptive term "pay". This points to targeting.

The Panel also notes that the Respondent's email address uses the domain name <mercury-pay.com>, which the Panel has independently¹ visited and has established is used for a Dubai-based payments company trading as "Mercury". This aligns with the Respondent's corporate name, per the Whois record for the disputed domain names, of "Mercury Payments Services LLC". The Respondent thus operates in the financial sector and is more likely to have been aware of the Complainant's mark as a result. This also means that the selection of "mps" together with the descriptive term "pay" is unlikely to have been a mere coincidence.

The disputed domain name <mps-pay.net> has been used to host PPC links which advertise services apparently competitive with those of the Complainant, which is an indicator of targeting for commercial gain. See *Dr. Martens International Trading GmbH, Dr. Maertens Marketing GmbH v. Private Whois Service*, WIPO Case No. [D2011-1753](#). Although the advertisements may be served programmatically by a third party, the Respondent cannot disclaim responsibility for them. [WIPO Overview 3.1](#), section 3.5.

Panels have found that the non-use of a domain name (including a "Launching Soon" page as in the case of the disputed domain name <mps-pay.com>) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain name (which combines the mark in its entirety with a term descriptive of the Complainant's own payment services), and the fact that the Respondent operates in the same sector as the Complainant, and finds that in the circumstances of this case the passive holding of the disputed domain name <mps-pay.com> does not prevent a finding of bad faith under the Policy.

The Panel has also considered whether the disputed domain names might reflect a good faith attempt by the Respondent to abbreviate its corporate name "Mercury Payments Services LLC" to "MPS" combined with the descriptive term "pay". Without the benefit of an explanation from the Respondent, the Panel finds this unlikely. Firstly, the Panel's assessment of the Respondent's website did not reveal any actual use of "MPS" by the Respondent. Secondly, the Respondent's corporate name already contains the word "Payments", thus adding "pay" as in the disputed domain names would result in an awkward duplication of "payments" and "pay", in the form of "Mercury Payments Services Pay".

The Panel finds that the Complainant has established the third element of the Policy.

¹ In accordance with its powers articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel is entitled to conduct limited independent research into matters of public record. [WIPO Overview 3.1](#), section 4.8.

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 names <mps-pay.com> and <mps-pay.net> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: August 10, 2026