

ADMINISTRATIVE PANEL DECISION

ABN AMRO Bank N.V. v. Canali Alfonso

Case No. DNL2025-0011

1. The Parties

The Complainant is ABN AMRO Bank N.V., Netherlands (Kingdom of the), represented by CSC Digital Brand Services Group AB, Sweden.

The registrant of the disputed domain name is Canali Alfonso, United States of America, (the “Respondent”).

2. The Domain Name and Registrar

The disputed domain name <abnamroo.nl> (the “Domain Name”) is registered with SIDN through PDR Ltd.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 2, 2025. On April 2, 2025, the Center transmitted by email to SIDN a request for registrar verification in connection with the Domain Name.

On April 3, 2025, SIDN transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named respondent and contact information in the Complaint.

The Center sent an email communication to the Complainant on April 3, 2025, providing the information disclosed by SIDN, and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amended Complaint on April 7, 2025.

The Center verified that the Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint and the proceedings commenced on April 8, 2025. In accordance with the Regulations, article 7.1, the due date for Response was April 28, 2025. The Center did not receive any response. Accordingly, the Center notified the Respondent’s default on April 29, 2025. In accordance with article 17.2 of the Regulations the language of the proceedings is English.

The Center appointed Gregor Vos as the panelist in this matter on May 8, 2025. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The Complainant is the third largest bank in the Netherlands and is headquartered in Amsterdam. It is a leading international provider of banking and insurance services to personal, business and institutional customers. The Complainant employs approximately 21,000 people globally and serves over 5.2 million retail clients. It is widely recognized as an industry leader, having received numerous prestigious awards for its performance and innovation.

The Complainant is the owner of inter alia the following trademark registrations (hereinafter referred to as the "Trademarks"):

- Benelux trademark registration No. 478543 for ABN AMRO registered on January 1, 1991; and
- European Union trademark registration No. 005796263 for ABN AMRO registered on August 14, 2008.

The Complainant is the owner of the domain names <abnamro.com> and <abnamro.nl>, registered on October 13, 1995, and January 16, 1996, respectively.

The Domain Name was registered on January 7, 2025. At the time of the filing of the Complaint, the Domain Name resolved to a website that attempted to mimic an official login website of the Complainant. Currently, the Domain Name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant seeks that it shall become the registrant of the Domain Name. The Complainant contends that it has satisfied each of the elements required under the Regulations for a transfer of the Domain Name.

Firstly, according to the Complainant, the Domain Name is confusingly similar to the Complainant's Trademarks. The Domain Name incorporates the Trademarks with the mere addition of the letter "o" at the end of the Domain Name. The Complainant holds that a deliberate misspelling of a trademark registered as a domain name, which is intended to confuse Internet users, leads to a finding of assumed confusing similarity between the Domain Name and the relevant trademark.

Secondly, the Complainant submits that the Respondent has no rights or legitimate interests in the Domain Name. The Complainant has not licensed, authorized, or otherwise permitted the Respondent to register domain names incorporating the Trademarks. In addition, the Respondent was not using the Domain Name in connection with a bona fide offering of goods and services. The Complainant contends that the Respondent used the Domain Name to impersonate the Complainant by mimicking its official login page for commercial gain. Furthermore, the Complainant notes that, at the time of the filing of the Complaint, the Respondent was using a privacy Whois service, which past UDRP panels have found may indicate a lack of legitimate interests.

Finally, the Complainant asserts the Respondent registered and is using the Domain name in bad faith. The Complainant contends that it is inconceivable that the Respondent was unaware of the Complainant's Trademarks at the time of registration of the Domain Name. It holds that registration and use of a domain name with a deliberate misspelling is clear evidence of bad faith registration and use of that domain name. Furthermore, the Domain Name was used in connection with a phishing scheme, which constitutes evidence of bad faith registration and use. The Complainant notes that even though the Domain Name currently

resolves to an inactive website, past panels have noted that bad faith does not necessarily require a positive act on the part of the Respondent. Also, the Respondent has ignored the Complainant's cease and desist letter, which may be taken as an additional factor indicating bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

For the Complainant to succeed, it must prove within the meaning of article 2.1 of the Regulations and on the balance of probabilities that:

- (i) the Complainant has rights in a trademark, or trade name, or geographical indication protected under Dutch law, a personal name registered in the General Municipal Register ('gemeentelijke basisadministratie') of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands, under which the Complainant undertakes public activities on a permanent basis, and the domain name is identical or confusingly similar to the trademark or name in question; and
- (ii) the Respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the Domain Name has been registered or is being used in bad faith.¹

Only if all three elements have been fulfilled will the Panel be able to grant the remedy requested by the Complainant. The Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

Pursuant to article 2.1(a)(i) of the Regulations, it is sufficient for the Complainant to show that the Domain Name is (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainant has rights protected under Dutch law.

With respect to having rights pursuant to paragraph 2.1(a) of the Regulations, it is noted that the Complainant is registered as the owner of the Trademarks that are valid in Benelux and the European Union, and thus protected under Dutch law. Consequently, the Panel finds that the Complainant has proven that it has rights in the Trademarks.

With regard to the assessment of identity or confusing similarity between the Domain Name and the Trademarks, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Complainant's Trademarks and the Domain Name (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that trademark (see section 1.7 of the [WIPO Overview 3.0](#)).

In the present case, the Trademarks are incorporated in their entirety and identically in the Domain Name. The mere addition of the letter "o" does not prevent a finding of confusing similarity between the Domain Name and the Trademarks for the purpose of the Regulations (see section 1.8 WIPO overview 3.0).

¹Given that the Regulations are largely based on the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel considers UDRP precedent, and thus the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), to be relevant to the present proceeding and will refer to it where appropriate (see, e.g., *Action Bolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

Consequently, the Panel finds that the requirement under paragraph 2.1(a)(i) of the Regulations has been satisfied.

B. Rights or Legitimate Interests

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Name. The onus of proving this requirement, like each element, falls on the Complainant. Given the difficulty in proving a negative, however, it is usually sufficient for a complainant to make out a prima facie case that a respondent lacks rights or legitimate interests. If a complainant does establish a prima facie case, the burden of production shifts to the respondent (see, e.g., [WIPO Overview 3.0](#), section 2.1; *Sanofi v. Cimpres Schweiz GmbH*, WIPO Case No. [D2017-0522](#)).

Article 3.1 of the Regulations lists three non-limitative examples of instances in which a respondent may establish rights or legitimate interests in the Domain Name.

The Complainant has substantiated that none of these circumstances apply in this case. By defaulting, the Respondent has failed to rebut the prima facie case established by the Complainant. Furthermore, based on the record before it, the Panel does not see an indication that any of the circumstances of article 3.1 of the Regulations is present.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name. Article 2.1(b) of the Regulations is thereby fulfilled.

C. Registered or Used in Bad Faith

Under paragraph 2.1(c) of the Regulations, a complainant must show that the domain name has been registered or is being used in bad faith. Paragraph 3.2. of the Regulations lists four non-limitative circumstances which may be considered as evidence of registration or use of a domain name in bad faith.

In the present case, the Trademarks are registered by the Complainant and have been used for many years. The Complainant's rights to the Trademarks predate the registration date of the Domain Name. In light of the reputation of the Trademarks, the Panel agrees with the Complainant that it is not conceivable that the Respondent chose the Domain Name without knowledge of the Complainant's activities and its Trademarks, under which the Complainant does business. The reputation of the Trademarks has been confirmed by earlier panels (see e.g., *ABN AMRO Bank N.V. v. Domain Administrator See PrivacyGuardian.org / James Wheeler*, WIPO Case No. [D2020-0258](#); *ABN AMRO Bank N.V. v. Motasem Alomari, WG*, WIPO Case No. [DAI2024-0057](#)).

The Domain Name previously resolved to a website that attempted to mimic an official login website of the Complainant. In light of the reputation of the Trademarks, the lack of any rights or legitimate interests in the Domain Name by the Respondent, and in the absence of any conceivable good faith use of the Domain Name, the Panel finds from the present circumstances that the Respondent has intentionally sought to take unfair advantage of or otherwise abuse the Trademarks. Also, the fact that the Trademarks are entirely and identically included in the Domain Name creates a high risk of implied affiliation, thus contributing to a likelihood of confusion among Internet users. Finally, for completeness, the Panel notes that the current non-use of the Domain Name does not prevent a finding of bad faith for the purposes of the present proceedings.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith and that the third element of article 4.1(c) of the Regulations is fulfilled.

7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the Domain Name <abnamroo.nl> be transferred to the Complainant.

/Gregor Vos/

Gregor Vos

Panelist

Date: May 22, 2025