

## **ADMINISTRATIVE PANEL DECISION**

Allianz SE v. James Elnido

Case No. DCO2022-0085

### **1. The Parties**

The Complainant is Allianz SE, Germany, internally represented.

The Respondent is James Elnido, United Kingdom.

### **2. The Domain Name and Registrar**

The disputed domain name <allianzlimited.co> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 5, 2022. On October 5, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 5, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (See PrivacyGuardian.org, United States of America) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 10, 2022 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 amended Complaint on October 10, 2022.

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 October 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 4, 2022.

The Center appointed Angela Fox as the sole panelist in this matter on November 14, 2022. 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 states that the Complainant is the ultimate parent company of one of the oldest and largest international insurance and financial services groups in the world. The Complainant's corporate group was founded in 1890 in Berlin and it has been trading continuously since then under the name and trademark ALLIANZ. The Complainant now has around 147,000 employees worldwide and serves approximately 100 million customers in more than 70 countries worldwide. It is the market leader in the insurance sector in Germany and is one of the world's largest asset management companies, with third-party assets worth some EUR 1,686 billion under management as at the end of 2019. Its total revenue in 2021 was roughly EUR 148.5 billion.

The Complainant owns numerous trademark registrations for its ALLIANZ trademark. Details of a number of these were annexed to the Complaint, including of German trademark registration Nos. 987481 and 39927827 for ALLIANZ registered on July 11, 1979 and July 16, 1999 respectively, and European Union trademark registration Nos. 000013656 and 002981298 for ALLIANZ and ALLIANZ and Design registered on July 22, 2002 and April 5, 2004 respectively.

The Complainant also owns numerous domain names incorporating the ALLIANZ trademark, including <allianz.de>, <allianz.com>, <allianz.us>, <allianz.fr>, <allianzgi.com> and <allianz-jobs.com>.

The Complainant refers to various judicial and administrative decisions which it says have upheld its claims to ALLIANZ being well known and having a reputation in the financial services field, including in the Oberlandesgericht München and the Office for Harmonisation in the Internal Market (now the European Union Intellectual Property Office ("EUIPO")), and prior UDRP decisions. Copies of these were annexed to the Complaint.

The Domain Name was registered on August 6, 2022. Printouts annexed to the Complaint show that it is in use to host a website purporting to offer financial services, including investment and asset management services which are advertised under the name "Allianz Limited".

#### 5. Parties' Contentions

##### A. Complainant

The Complainant submits that the Domain Name is confusingly similar to its earlier ALLIANZ trademark. The Complainant submits that Internet users will recognize the ALLIANZ trademark within the Domain Name, and will conclude that the Domain Name denotes a website that is part of or related to the Complainant's corporate group, taking into account the fame of the ALLIANZ mark in this field.

The Complainant also submits that the Respondent has no rights or legitimate interests in the Domain Name. The Respondent has not been commonly known by the Domain Name. It is not a licensee of the Complainant and is not authorised to use the Complainant's registered trademarks. Moreover, it does not appear to have made any use of, or demonstrable preparations to use, the Domain Name, or a name corresponding to it, in connection with a *bona fide* offering of goods or services. Instead, the Complainant states that the Respondent is using the Domain Name to exploit the desire of Internet users to contact companies in the Complainant's group and is trading on the fame of the Complainant's ALLIANZ trademark, which the Complainant submits is not a right or legitimate interest under the Policy.

Finally, the Complainant asserts that the Respondent registered and is using the Domain Name in bad faith. The Complainant alleges that the Respondent has intentionally attempted, by using the Domain Name, to convince Internet users to disclose private information and data by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website.

## B. Respondent

The Respondent did not reply to the Complainant's contentions and is in default. No exceptional circumstances explaining the default have been put forward. Therefore, in accordance with paragraphs 14(a) and (b) of the Rules, the Panel will decide the Complaint and shall draw such inferences as it considers appropriate from the Respondent's default.

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in 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

The Complainant has proved that it has registered trademark rights in ALLIANZ. The Domain Name includes the ALLIANZ trademark in its entirety, adding only the word "limited" and Top-Level Domain ("TLD") ".co". The word "limited" is likely to be understood as merely denoting a company. As noted in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), at section 1.8, where the relevant trademark is recognizable within the Domain Name, the addition of other terms would not prevent a finding of confusing similarity, and at section 1.11.1, the TLD suffix is a standard registration requirement and as such is disregarded under the first element confusing similarity test.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

### B. Rights or Legitimate Interests

The burden of proving absence of rights or legitimate interests in a domain name falls on complainants, but panels have long recognized that the information needed to prove such rights or legitimate interests is normally in the possession of respondents.

In order to avoid requiring complainants to prove a negative, which will often be impossible, UDRP panels have typically accepted that once a complainant has established a *prima facie* case that a respondent lacks rights or legitimate interests, the respondent carries the burden of producing evidence that it does indeed have such rights or interests (see, *inter alia*, *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#)). In the present case, the Complainant has put forward a *prima facie* case that the Respondent has no rights or legitimate interests in the Domain Name which has not been rebutted by the Respondent. There is nothing on the record in this case to indicate that the Respondent might have any rights or legitimate interests in it, nor has the Respondent attempted to make out a case that it has. The Complainant has not authorized the Respondent to use its ALLIANZ trademark in the Domain Name, nor is there any evidence that the Respondent has ever been commonly known by it.

Moreover, the nature of the Domain Name is inherently misleading, and carries a risk of an implied affiliation as it suggests sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), at section 2.5.1.

The Panel finds that the Respondent has no rights or legitimate interests in the Domain Name.

### **C. Registered and Used in Bad Faith**

Under paragraph 4(b)(iv) of the Policy, the Panel may find both registration and use in bad faith where there is evidence that by using the domain name, a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on it.

In this case, the Complainant has annexed copies of printouts from the website linked to the Domain Name which purport to be the website of a company offering financial services. The Respondent is not authorised to use the Complainant's trademarks and has provided no explanation for this conduct. The Complainant's ALLIANZ trademark is well known internationally in the field of financial services and it is implausible that any company entering this space would be unaware of it. Moreover, the website displays a photo, next to its introduction of financial planning, showing the Complainant's ALLIANZ trademark and logo as the background. All of this indicates that the Respondent likely registered and has used the Domain Name in the knowledge of the Complainant and its business under the ALLIANZ trademarks. Moreover, by using the Domain Name to offer competing services to those of the Complainant, it is clear that the Respondent has used the Domain Name in a manner intended to attract Internet users by creating a likelihood of confusion with the Complainant's registered marks. Since the Respondent's website is purportedly offering financial services, these activities appear to have been for commercial gain. The Panel finds that the Complainant has made out a case for bad faith registration and use under paragraph 4(b)(iv) of the Policy.

The Panel notes the Complainant's assertion that the Respondent has been using the website linked to the Domain Name and the email address "[...]@allianzlimited.co" to phish private data from individuals attracted to the Respondent's website. Taking account of the above, this seems a plausible risk, and it is noted that the Respondent has not sought to deny this allegation.

Finally, the Panel also notes that the Respondent appears to have supplied false Whois details, which is a further factor supporting a finding of bad faith.

The Panel finds that the Domain Name was registered and is being used in bad faith.

### **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 Domain Name <allianzlimited.co> be transferred to the Complainant.

*/Angela Fox/*

**Angela Fox**

Sole Panelist

Date: November 28, 2022