

ADMINISTRATIVE PANEL DECISION

Allianz SE v. Christian Troester
Case No. D2023-1422

1. The Parties

The Complainant is Allianz SE, Germany, represented internally.

The Respondent is Christian Troester, Germany.

2. The Domain Name and Registrar

The disputed domain name <allianz-commercial.com> is registered with PSI-USA, Inc. dba Domain Robot (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 3, 2023. On April 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 4, 2023, 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 April 6, 2023, 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 April 12, 2023.

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 4, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 24, 2023. The Respondent sent an informal communication to the Center on April 12, 2023. The Respondent did not submit any formal response. Accordingly, the Center notified the parties that it would proceed to Panel appointment on June 15, 2023.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on June 30, 2023. 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

It results from the Complainant's undisputed allegations that the Complainant is the ultimate parent company of one of the oldest and largest insurance and financial services groups in the world, with roots dating back to 1890, when Allianz Versicherungs-AG was founded in Berlin. Today, the Allianz Group employs approximately 147,000 people to serve approximately 100 million customers in more than 70 countries. The total revenues of Allianz Group worldwide in the year 2022, added up to EUR 152.7 billion.

Furthermore, it results from the undisputed evidence provided by the Complainant that the Complainant is the registered owner of many trademarks consisting of or containing the verbal element ALLIANZ, covering amongst others, Germany, where both parties are located. In particular, the Complaint is based on national German trademark registration ALLIANZ (verbal) no 987481, registered on July 11, 1979, for services in class 36.

It results from the Whois extract provided by the Complainant that the disputed domain name's creation date is March 13, 2023.

The disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant asserts that the disputed domain name is confusingly similar to the ALLIANZ trademarks in which the Complainant has rights because it comprises said trademark which is clearly recognizable within the disputed domain name.

The Complainant further contends that the Respondent has no prior rights or legitimate interests in the disputed domain name. In this context the Complainant contends that (i) it has not licensed or otherwise authorized the Respondent to register the disputed domain name; (ii) the Respondent is not commonly known by the disputed domain name.

Finally, the Complainant contends that the Respondent registered the disputed domain name in bad faith. The Complainant submits that registration of a domain name including a strongly well-known trademark (in German language) points to bad faith.

B. Respondent

The Respondent sent an informal email to the Center on April 12, 2023, indicating that the disputed domain name is inactive and has never been used, and that it may be easily transferred. The Respondent did not submit a formal response to the Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

Paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements in order to obtain an order that the disputed domain name should be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (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.

The Panel is satisfied that the registrant of record for the disputed domain name is the Respondent and will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

A. Identical or Confusingly Similar

Pursuant to paragraph 4(a)(i) of the Policy, the Complainant must first establish rights in a trademark or service mark and secondly establish that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights.

It results from the undisputed evidence provided that the Complainant is the registered owner of various ALLIANZ trademark registrations in several jurisdictions.

In accordance with the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element. The Panel notes that the Complainant's registered trademark ALLIANZ is fully included in the disputed domain name and merely followed by the term "-commercial". It is the view of this Panel that said mark remains clearly recognizable within the mark; in particular, the combination of the trademark ALLIANZ with the term "-commercial" placed after the mark and separated by a hyphen does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademarks.

The Top-Level Domain ".com", which is a technical requirement, is generally disregarded for the purpose of the analysis of confusing similarity ([WIPO Overview 3.0](#), section 1.11.1).

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Paragraph 4(c) of the Policy contains a non-exhaustive list of circumstances which, if found by the Panel to be proved, shall demonstrate the Respondent's rights or legitimate interests to the disputed domain name. In the Panel's view, based on the allegations stated above, the Complainant has made a *prima facie* case that none of these circumstances are found in the case at hand and, therefore, that the Respondent lacks rights or legitimate interests in the disputed domain name.

It results from the evidence provided by the Complainant that the disputed domain name is not connected to any website. Such (lack of) use can be considered neither a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark at issue in the sense of paragraph 4(c)(i) and (iii) of the Policy.

Furthermore, no evidence or information has been provided that could lead the Panel to conclude that the Respondent is commonly known by the disputed domain name pursuant to paragraph 4(c)(ii) of the Policy. It is acknowledged that once the Panel finds such *prima facie* case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. Since the Respondent failed to come forward with any allegations or evidence in this regard, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant is therefore deemed to have satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must thirdly establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, "in particular but without limitation", be evidence of the disputed domain name's registration and use in bad faith.

First it is to be noted that the non-use of a disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding (see [WIPO Overview 3.0](#) at section 3.3).

Furthermore, the Complainant has to the Panel's satisfaction proved a worldwide reputation of its ALLIANZ trademark and company that has been trading under the name ALLIANZ since 1890. Therefore, this Panel agrees with previous UDRP panels holding that the fanciful trademark ALLIANZ enjoys a wide reputation. Therefore, it is the view of this Panel that the Respondent would have known that the disputed domain name interferes with the Complainant's well-known ALLIANZ trademark when registering the disputed domain name (see *e.g. Allianz SE v. Well Domains are either owned by us or Client Managed*, WIPO Case No. [D2000-0535](#)).

Considering the high similarity between the trademark ALLIANZ and the disputed domain name, which suggests the Respondent's awareness of the trademark, the Panel finds that the Respondent registered and is using the disputed domain name for bad faith purposes.

The finding of bad faith registration and use is supported by the following further circumstances resulting from the case at hand:

- (i) the nature of the disputed domain name, identically containing the Complainant's trademark ALLIANZ (in German) combining it with an English term "-commercial";
- (ii) the high degree of distinctiveness and the worldwide reputation of the Complainant's mark;
- (iii) the Respondent's failure to submit a formal response with credible evidence-backed rationale for registering the disputed domain name;
- (iv) the implausibility of any good faith use to which the disputed domain name may be put.

In the light of the above, the Panel finds that the disputed domain name has been registered and is being used in bad faith pursuant to paragraph 4(a)(iii) 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, <allianz-commercial.com>, be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: July 14, 2023