

ADMINISTRATIVE PANEL DECISION

Università Telematica Internazionale Uninettuno v. Host Master, Transure Enterprise Ltd

Case No. D2023-2251

1. The Parties

The Complainant is Università Telematica Internazionale Uninettuno, Italy, represented by Società Italiana Brevetti S.p.A., Italy.

The Respondent is Host Master, Transure Enterprise Ltd, United States of America.

2. The Domain Name and Registrar

The disputed domain name <uninettunotools.net> is registered with Above.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 24, 2023. On May 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 9, 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 (Redacted for privacy c/o ABOVE.COM PTY LTD) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 9, 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 amended Complaint on June 14, 2023.

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 June 15, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 5, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 13, 2023.

The Center appointed George R. F. Souter as the sole panelist in this matter on August 2, 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

The Complainant is an Italian University, established in 2005, which offers distance e-learning tuition leading to the award of academic degrees. The university draws its students from 167 countries. It is the proprietor of various registrations of its UNINETTUNO trademark, including European Union Trade Mark Registration No. 018210544, registered on June 25, 2020.

The disputed domain name was registered on February 25, 2023, and resolves to a website with pay-per-click links to companies offering, in Italian, educational services in competition with those offered by the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant alleges that the disputed domain name is confusingly similar to its UNINETTUNO trademark, containing its UNINETTUNO trademark in its entirety, together with merely the descriptive word "tools".

The Complainant alleges that the Respondent lacks rights or legitimate interests in the disputed domain name, in particular that the Respondent is not generally known by the disputed domain name, and the Complainant has never granted permission to the Respondent to use its UNINETTUNO trademark in connection with the registration of a domain name, or otherwise.

The Complainant alleges that the disputed domain name was registered in bad faith, and is being used in bad faith in connection with the website referred to above.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that the Complainant has rights to the trademark UNINETTUNO for the purposes of these proceedings.

It is well-established in prior decisions under the Policy that the generic Top-Level Domain ("gTLD") may be disregarded when comparing a trademark with a disputed domain name. The Panel finds that the gTLD ".net" may be disregarded in the present case.

The Complainant's UNINETTUNO trademark is instantly recognizable in the disputed domain name, rendering the disputed domain name confusingly similar to the Complainant's trademark. The addition of the word "tools" does not detract from this finding.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

It is well-established in prior decisions under the Policy that a *prima facie* case advanced by the complainant will generally be sufficient for the purposes of paragraph 4(a)(ii) of the Policy, provided that the Respondent does not come forward with evidence demonstrating rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has presented a *prima facie* case in this case, and the Respondent did not reply to the Complainant's contentions.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel is of the view that the finding that the Respondent has no rights or legitimate interests in a disputed domain name can lead, in appropriate circumstances, to a finding of registration of a disputed domain name in bad faith. The circumstances of the present case, in which the Panel regards it as self-evident that the Complainant's UNINETTUNO trademark was deliberately targeted in the disputed domain name, are such that the Panel concludes that a finding of registration in bad faith is justified, in connection with the disputed domain name and so finds.

It is well-established in prior decisions under the Policy that the use of a disputed domain name in connection with a website with pay-per-click links to companies offering services competing with those of the Complainant constitutes use of the disputed domain name in bad faith. The Panel so finds in the circumstances of the present case.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of 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, <uninettunotools.net> be transferred to the Complainant.

/George R. F. Souter/

George R. F. Souter

Sole Panelist

Date: August 16, 2023