

ADMINISTRATIVE PANEL DECISION

UNIQA Insurance Group AG v. sachin satpute, APR MEDIA STUDIO
Case No. D2023-4702

1. The Parties

The Complainant is UNIQA Insurance Group AG, Austria, represented by Schonherr Rechtsanwälte GmbH, Austria.

The Respondent is sachin satpute, APR MEDIA STUDIO, India.

2. The Domain Name and Registrar

The disputed domain name <uniqafinance.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 15, 2023. On November 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 17, 2023, 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 (Not yet disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 21, 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 amended Complaint on November 23, 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 November 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 4, 2024. The Respondent sent email communications to the Center on November 23, 2023. Due to the intention of the Parties to settle the process, the proceeding was suspended from December 7, 2023, to December 21, 2023. However, the Parties did not reach an agreement and the procedure was reinstated on December 21, 2023. The new Response due date was on January 4, 2024. The Center notified the Parties the Commencement of Panel Appointment Process on January 10, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on January 15, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is an insurance company from Austria consisting of approximately 40 companies in 18 countries serving some 16 million customers with around 22,400 employees and exclusive sales partners. The Complainant also provides financial services through its subsidiary UNIQA Capital Markets GmbH.

The Complainant owns trademark registrations in UNIQA, such as Austrian Trademark Registration No. 179703 registered on December 22, 1998. And EU Trademark Registration No. 1132174 registered on August 16, 2000.

The Complainant is the registrant of domain names, among them <uniqa.at> from which the Complainant's principal website is operated.

The Domain Name was registered on October 23, 2023. The Domain Name has resolved to a parking page with pay-per-click links to third party insurance services in direct competition with the Complainant. At the time of drafting the Decision, the Domain Name resolved to a blocked webpage.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the trademark is well-known. The Domain Name is confusingly similar to said trademark. The Domain Name integrates the Complainant's trademark in its entirety. The addition of the term "finance" is not sufficient to escape a finding of similarity.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent is not affiliated or authorized in any way to use the Complainant's trademark. The Domain Name has been used to host a parked page comprising pay-per-click links. It does not represent a *bona fide* offering as the links compete with and/or capitalize on the reputation and goodwill of the Complainant's trademark or otherwise mislead internet users.

The Complainant argues that the Respondent must have had knowledge of the Complainant when the Respondent registered the Domain Name. Together with the illegitimate use of the Domain Name, the Complainant concludes that the Respondent has acted in bad faith. The Respondent illegitimately draws commercial gain from it hoping of capitalizing on the reputation of the Complainant or to prevent the Complainant from using the Domain Name.

B. Respondent

The Respondent did not reply to the Complainant's contentions. However, the Respondent has sent informal emails to the Center and the Complainant, indicating he accepts a "bidding process" and if no agreement is reached, he "will process this domain to start my business".

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark UNIQA. The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. The Complainant's trademark is recognizable within the Domain Name.

The Domain Name adds the term "finance" to the trademark. The addition does not prevent a finding of confusing similarity. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.8. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"); see [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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. While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Name. 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 Domain Name. Based on the record, the Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Respondent's use of the Domain Name is rather evidence of bad faith and cannot confer rights or legitimate interests upon the Respondent.

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.

The Domain Name was registered after the Complainant's trademark. Based on the composition and use of the Domain Name, it is likely that the Respondent had knowledge of the Complainant and its trademark when the Respondent registered the Domain Name. Moreover, the use of the Domain Name suggests that the Respondent has tried to attract Internet users by creating a likelihood of confusion with the Complainant's trademark.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.
The third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Name <uniqafinance.com> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: January 29, 2024