

## **ADMINISTRATIVE PANEL DECISION**

Allianz SE v. Joerg Koeninger  
Case No. D2022-4070

### **1. The Parties**

The Complainant is Allianz SE, Germany, internally represented.

The Respondent is Joerg Koeninger, Switzerland, represented by Kellerhals Carrard Basel KIG, Switzerland.

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

The disputed domain name <allianzleben.com> (the “Disputed Domain Name”) is registered with Ascio Technologies Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 28, 2022. On October 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 31, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details for the Disputed Domain Name.

The Center verified that 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 November 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 6, 2022. The Respondent sent informal email communications on November 20, November 30, and December 2, 2022. In summary, the Respondent indicated through his counsel that he consents to the remedy requested by the Complainant and agrees to transfer the Disputed Domain Name to the Complainant without prejudice. The Center sent a possible settlement email to the Parties on December 5, 2022. The Complainant did not submit a request to suspend the proceeding for settlement discussions. The Center informed the Parties of its commencement of Panel appointment process on December 29, 2022. On the same day, the Respondent sent another

communication to the Complainant and the Center, confirming his willingness to transfer the Disputed Domain Name.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on January 10, 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.

On the same day, the Respondent sent yet another communication to the Complainant and the Center, confirming once again his willingness to transfer the Disputed Domain Name.

#### **4. Factual Background**

The Complainant, Allianz SE, is the parent company of an international insurance and financial services group. With approximately 147,000 employees worldwide, the Complainant's group serves approximately 100 million customers in more than 70 countries.

The Complainant is the holder of various registered trademarks, including the following:

- ALLIANZ, international trademark registered on September 12, 1979 with registration number 447004 in class 36;
- ALLIANZ, European Union Trade Mark registered on July 22, 2002 under number 000013656 in classes 16, 35, and 36.

The Disputed Domain Name was registered on February 28, 2015 and appears to resolve to a parking page.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant considers the Disputed Domain Name to be confusingly similar to trademarks in which it claims to have rights.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. In summary, according to the Complainant:

- the Respondent holds no trademark registrations for any "Allianz" mark and was never authorized by the Complainant to make use of the ALLIANZ mark;
- the Respondent did not use the Disputed Domain Name in connection with any *bona fide* offering of goods or services;
- the Respondent is not commonly known by the Disputed Domain Name and the Complainant's prior rights bar the Respondent from being known by the Disputed Domain Name;
- the Respondent is not making legitimate noncommercial or fair use of the Disputed Domain Name.

Finally, the Complainant considers that the Disputed Domain Name was registered and being used in bad faith to create a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Name.

## B. Respondent

The Respondent did not reply to the Complainant's contentions, but has consented to transfer the Disputed Domain Name to the Complainant in several email communications filed with the Center on November 30, 2022, December 29, 2022, and January 10, 2023.

## 6. Discussion and Findings

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the Disputed Domain Name. As the UDRP proceedings are administrative, the standard of proof is the balance of probabilities.

Thus, for the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, 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 respect of the Disputed Domain Name; and

(iii) the Disputed Domain Name has been registered and is being used in bad faith.

The Panel finds that, on the balance of probabilities, the Complainant has established all three substantive elements of the Policy. In addition, the Panel need not make extensive findings in this regard as it notes that where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the Center's Standard Settlement Form, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent (see section 4.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

In the present case, the Panel observes that the Respondent expressly agreed to the transfer of the Disputed Domain Name through his counsel's emails of November 30, 2022, December 29, 2022, and January 10, 2023. In the circumstances of this case, the Panel finds that such consent is sufficient to order the transfer of the Disputed Domain Name to the Complainant (see *Pierre Balmain S.A. v. Domains By Proxy, LLC / Daniel Phillips*, WIPO Case No. [D2015-0189](#)).

## 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 <allianzleben.com> be transferred to the Complainant.

*/Flip Jan Claude Petillion/*

**Flip Jan Claude Petillion**

Sole Panelist

Date: January 23, 2023