

## **ADMINISTRATIVE PANEL DECISION**

Allianz SE v. saralope archiitect, Maintenance Division  
Case No. D2022-4137

### **1. The Parties**

The Complainant is Allianz SE, Germany, represented internally.

The Respondent is saralope archiitect, Maintenance Division, United States of America.

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

The disputed domain name <agcs-allianz.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 2, 2022. On November 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 3, 2022, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 8, 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 amendment to the Complaint on November 10, 2022.

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 November 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 9, 2022.

The Center appointed Luis Miguel Beneyto Garcia-Reyes as the sole panelist in this matter on December 22, 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 is a leading company in the financial and insurance sectors belonging to the Allianz Group.

The ALLIANZ trademark can be considered as internationally reputed.

The letters “agcs” in the disputed domain name match the acronym of another entity belonging to the same corporate group as the Complainant, Allianz Global Corporate & Specialty SE.

The Complainant is the owner of several trademark registrations that include or consist of the name ALLIANZ. The Complainant has registered the following trademarks:

- International registration No. 447004 ALLIANZ in class 36;
- International registration No. 714618 ALLIANZ in classes 16, 35, and 36;
- International registration No. 713841 ALLIANZ and design in classes 16, 35, and 36;
- German registration No. 987481 ALLIANZ in class 36;
- German registration No. 39927827 ALLIANZ in classes 1 to 45;
- European Union Trade Mark registration No. 000013656 ALLIANZ in classes 16, 35, and 36;
- European Union Trade Mark registration No. 002981298 ALLIANZ and design in classes 16, 35, and 36.

The disputed domain name was registered on October 11, 2022. The website to which the disputed domain name resolves, displays an error page, but according to the evidence in the case file the Respondent has used an email address linked to the disputed domain name, “[...]@agcs-allilanz.com”, for phishing. This email address includes the name of a legitimate employee of the Complainant whose real email address is “[...]@agcs.allianz.com”.

#### 5. Parties’ Contentions

##### A. Complainant

The Complainant has included the following allegations in the Complaint:

The Complainant is the ultimate parent company of one of the oldest and largest international insurance and financial services groups in the world, the Allianz Group, with approximately 147,000 employees worldwide and that serves to approximately 100 million customers in more than 70 countries.

The Complainant has registered and protected the ALLIANZ mark worldwide and owns several registrations containing or consisting in the term ALLIANZ which existence and status are accredited through Annex D of the Complaint.

The disputed domain name is confusingly similar to the trademarks in which the Complainant has rights and offers a clear impression that the disputed domain name refers to the renowned ALLIANZ mark.

The reputation and highly distinctive character of the Complainant’s mark have been confirmed by different authorities, including the Center.

The Respondent has no right or legitimate interest in the ALLIAZ mark, does not own any “Allianz” trademark registration and has never received a license or any other authorization from the Complainant to make use of the mark so, consequently, the Respondent has no right or legitimate interest in the disputed domain name.

The Respondent has not used the disputed domain name in connection with a *bona fide* offering of good or services; is not commonly known by the disputed domain name, and is not making legitimate noncommercial or fair use of the disputed domain name.

The Respondent has intentionally attempted to convince Internet users to act as instructed by the Complainant (*i.e.* to reveal private information and data), by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the disputed domain name. The Respondent is using the email address "[...][@agcs-allilanz.com](mailto:[...]@agcs-allilanz.com)" (including the name of a legitimate employee whose real email address is "[...][@agcs.allianz.com](mailto:[...]@agcs.allianz.com)") to phish private data from individuals interested in the faked financial services.

Given the strong reputation of the Complainant, it cannot be argued that the Respondent was not aware of the Complainant's trademark at the time of registering the disputed domain name so the Respondent acted in bad faith.

Based on the precedent allegations, the Complainant requests that the disputed domain name be transferred to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4 of the Policy, the Complainant must prove: i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and iii) that the Respondent has registered and used the disputed domain name in bad faith.

### **A. Identical or Confusingly Similar**

The Complainant has established its rights in the mark ALLIANZ protected by several trademark registrations in various jurisdictions.

The ALLIANZ trademark is entirely reproduced in the disputed domain name with the addition of a letter "l" between the vowels "i" and "a". Furthermore, the inclusion of the letters "agcs" does not prevent a finding of confusing similarity. See sections 1.7, 1.8, and 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

It is unquestionable, therefore, that the disputed domain name <[agcs-allilanz.com](http://agcs-allilanz.com)> is confusingly similar to the Complainant's trademark. Therefore, the first of the requirements of paragraph 4 of the Policy is established.

### **B. Rights or Legitimate Interests**

The Respondent has not filed a response to the Complaint, so it is not possible to know the Respondent's version of the possible existence of such rights or legitimate interests.

However, having examined the case file and all the circumstances and facts contained therein, including the established reputation of the Complainant's ALLIANZ trademark, it is not reasonable to believe that the Respondent has any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has established a *prima facie* case of the Respondent's lack of rights or legitimate interests.

The absence of a Response to the Complaint means that the Respondent has not rebutted the Complainant's *prima facie* case of lack of rights or legitimate interests.

Prior UDRP panels have held that the use of a domain name for illegal activity, such as phishing, unauthorized account access/hacking, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. See section 2.13, [WIPO Overview 3.0](#). The evidence on record contains clear evidence of such illegal activities. The Complainant submitted evidence of a phishing email sent from the email address “[...]@agcs-allilanz.com” (which email address includes the name of a legitimate employee of the Complainant whose real email address is “[...]@agcs.allianz.com”) including an instruction for payment, and falsely signed in the name of the aforementioned employee of the Complainant.

The Panel therefore finds that the Complainant has also satisfied the second requirement of paragraph 4 of the Policy.

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

The Panel finds that the Complainant has submitted sufficient evidence to conclude that there is indeed bad faith on the part of the Respondent.

This conclusion is reached if we take into account:

- The Complainant’s trademark ALLIANZ is well known at the international level. The Respondent’s registration of the disputed domain name (which quasi-identically reproduces the Complainant’s trademark, simply by adding a letter “l” between the vowels “i” and “a”) must have been aware that it was appropriating a name that was virtually identical to the well-known mark of a third party.
- Secondly, according to the Panel’s finding, a simple Internet search of the letters “agcs” included at the beginning of the disputed domain name, matches the initials of another entity belonging to the Complainant’s group, Allianz Global Corporate & Specialty SE.

In the circumstances, the Panel finds that the inclusion of both the letters “agcs” and a subtle misspelling of the Complainant’s trademark ALLIANZ in the disputed domain name cannot therefore be considered to be coincidental.

Moreover, the Panel finds that the Respondent’s use of the disputed domain name to perpetuate a fraud by sending phishing emails while impersonating the Complainant’s employee, as described above, amounts to use in bad faith for purposes of paragraph 4(b) of the Policy.

Prior UDRP panels have held that “given that the use of a domain name for per se illegitimate activity such as the sale of counterfeit goods or phishing can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith”. See section 3.1.4, [WIPO Overview 3.0](#).

Prior UDRP panels have also held that “the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. [...] Many such cases involve the respondent’s use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant’s actual or prospective customers”. See section 3.4, [WIPO Overview 3.0](#).

The Panel thus holds that the third element required under paragraph 4 of the Policy is likewise present here.

## 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, <agcs-allilanz.com> be transferred to the Complainant.

*/Luis Miguel Beneyto Garcia-Reyes/*

**Luis Miguel Beneyto Garcia-Reyes**

Sole Panelist

Date: January 5, 2023