



URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. CADD11F2

Determination DEFAULT

I. PARTIES

Complainant: RP SAFE S.R.L. (IT)
Complainant's authorized representative: Convey S.r.l. (IT)

Respondent: Privacy service provided by Withheld for Privacy ehf (IS)

II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR

Domain Name: RPBW.LINK
Registry Operator: Nova Registry Ltd
Registrar: NameCheap, Inc.

III. PROCEDURAL HISTORY

Complaint submitted: 2022-12-02 16:16
Lock of the domain name(s): 2022-12-22 17:24
Notice of Complaint: 2022-12-24 18:44
Default Date: 2023-01-08 00:00
Notice of Default: 2023-01-09 13:22
Panel Appointed: 2023-01-09 13:25
Default Determination issued: 2023-01-12 03:14

IV. EXAMINER

Examiner's Name: Alejandro Touriño

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant:

The Complainant is a company active in the architectural sector with circa 160 employees and with offices in Genoa, Milan and Paris, founded in 1981 by Renzo Piano. The acronym "RPBW" stands for "Renzo Piano Building Workshop".

The Complainant contends to be the owner of several trademark registrations for RPBW which are identical to the disputed domain. In particular, the Complainant is, among others, owner of the following word trademarks:

- International trademark n. 553982 - RPBW - Cl. 11, 12, 14, 16, 18, 20, 21, 25, 35, 37, 42.
- International trademark n. 1093028 - RPBW - Cl. 16, 37, 41, 42.
- European Union trademark n. 000486506 - RPBW - Cl. 11, 12, 14, 16, 18, 20, 21, 25, 35, 37, 42.

Additionally, the Complainant asserts to have been extensively using the "RPBW" denomination on all internet environments including to the company's official website <www.rpbw.com> and its official accounts on the major social networks such as Facebook, Twitter, Instagram and LinkedIn.

The Complainant contends that the disputed domain name was registered and used primarily for the purpose of disrupting the business of the Complainant and to intentionally attempt to attract for commercial gain Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's trademark.

The Complainant asserts that the Respondent is not a licensee or authorized dealer of the Complainant nor has been authorized by the Complainant to use the trademark in the Domain Name or as a distinctive sign. Also, the Complainant asserts that the Respondent is not commonly known by the Domain Name or a name corresponding to the Domain Name as an individual, business, or other organization.

The Complainant indicates that the reiterated redirections by the Respondent to parking pages sponsoring links to third's party activities related to architecture is aimed at diluting and, at the same time, at profiting of the Complainant's reputation. Indeed, the Respondent's purpose in registering the Domain Name was to capitalize the value of Complainant's well-known trademark by diverting Internet users seeking services under the RPBW mark to a parking page with links dedicated to architectural sector where the Complainant is active.

Finally, the Complainant contends to have sent several warning letters and reminders to the Respondent regarding this matter without response.

B. Respondent:

The Respondent did not reply to the Complaint.

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

D. Findings of fact:



The domain name <RPBW.LINK> was registered on 20-05-2022. The domain name in question resolves to parking pages sponsoring links to third's party activities related to architecture.

The Complainant has trademark rights in the trademark RPBW by submitting copy of international and EU trademark registrations as annexes to the Complaint.

E. Reasoning:

According to Paragraph 13 of the URS Rules, the Examiner shall make a Determination of a Complaint in accordance with the URS Procedure, the URS Rules and any rules and principles of law that it deems applicable.

The Respondent did not reply to the Complainant's contentions. However, a Respondent's default does not automatically result in a decision in favour of the Complainant. Indeed, in spite of Respondent's default, URS Procedure requires the Complainant to succeed to establish that each of the three following conditions under Paragraph 1.2.6 of the URS Procedure are satisfied:

- That the registered domain name is identical or confusingly similar to a word mark;
- That the Registrant has no legitimate right or interest to the domain name;
- That the domain was registered and is being used in bad faith.

1. The domain name is identical or confusingly similar to a word mark

The Complainant is the owner of several word trademark registrations for the term RPBW, including international and EU trademarks to cover goods and services in several classes since 1990, which are in current use.

The domain name is identical to the Complainant's trademark, RPBW, which stands for the Renzo Piano Building Workshop, founded by Renzo Piano in 1981.

The Examiner thus finds that the complaint meets the requirement of the URS 1.2.6 (i).

2. Respondent has no rights or legitimate interests to the domain name

The Respondent, in not formally responding to the Complaint, has failed to invoke any of the circumstances which could demonstrate, pursuant to the URS, any rights or legitimate interests in the disputed domain name. Nevertheless, the burden of proof is still on the Complainant to make a prima facie case against the Respondent.

In that sense, the Complainant indeed asserts that it has not authorized the Respondent nor granted the Respondent a license or permission to register the disputed domain name or use its trademarks. In addition, the lack of evidence as to whether the Respondent is commonly known by the disputed domain name or the absence of any trademarks or trade names registered by the Respondent corresponding to the disputed domain name corroborate with the indication of the absence of any right or legitimate interest.

On top of that, the Complainant has provided screen shots of the fact that the domain name <RPBW.LINK> resolves to parking pages sponsoring links to third's party activities related to architecture.

In these circumstances and absent evidence to the contrary, the Examiner finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name and that the requirements of Paragraph 1.2.6 (ii) of the URS Procedure have been satisfied

3. The domain name was registered and is being used in bad faith

URS Procedure 1.2.6.3 identifies non exclusive list of circumstances that Examiner could consider as constituting bad faith.

Among them, it seems clear in the Examiner's view that in the case at hand the Respondent had necessarily constructive knowledge of the Complainant's trademarks when registering the disputed domain name. Indeed, the disputed domain name incorporates the Complainant's RPBW trademark in its entirety without other word or letter. The inclusion of the TLD .link does not modify this understanding.

In addition, by means of redirecting the users from the domain name <RPBW.LINK> to parking places, where several links of the architectural sector are offered, it clearly represents that the Respondent had perfect knowledge of the Complainant's trademarks. Also, it demonstrates the intention of the Respondent to attract for commercial gain Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's trademark.

In the absence of any explanation from the Complainant, the Examiner finds more likely than not that the Respondent intentionally registered a domain name identical to the Complainant's trademarks to benefit from the good will associated with said trademarks.

In these circumstances, the Examiner finds that the requirements of Paragraph 1.2.6 (iii) of the URS Procedure have been satisfied.

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

Demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name: RPBW.LINK Suspends for the balance of the registration period

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication



Publication: Publish the Determination

SIGNATURE

Name: Alejandro
Surname: Touriño
Date: 2023-01-12