

Decision for dispute CAC-UDRP-104604

Time of filing **2022-05-25 09:19:08**

Domain names **MINTLAYERFOUNDATION.ORG**

Case administrator

Name **Denisa Bilík (Case admin)**

Complainant

Organization **RBB S.r.l.**

Complainant representative

Organization **Avv. Ivett Paulovics (FASANO PAULOVICS Società tra Avvocati)**

Respondent

Name **Alberto De Luigi**

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has proven to be the owner of the MINTLAYER mark.

The Complainant is, inter alia, the owner of the following trademarks:

- International trademark registration no. 1656317 for MINTLAYER, registered on February 11, 2022; and
- European Union trademark registration no. 018510593 for MINTLAYER, filed on July 8, 2021 and registered on October 26, 2021.

The Complainant is also the holder of the domain name <mintlayer.org>, registered on June 4, 2019, and used as the main website for the Complainant's Mintlayer project.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

FACTUAL GROUNDS

The Complainant

The Complainant is active in the development of software solutions in the Blockchain, Fintech and Distributed Finance (DeFi)

sectors and in providing related technological consulting and training services.

The Complainant's asserted scope is to facilitate the use of blockchain technology by providing products (such as the Mintlayer project), consulting services and training to all companies worldwide that can benefit effectively from it.

Mintlayer has been developed by the Complainant for the creation and exchange of cryptographic tokens. It is based on an application of blockchain technology known as sidechain: that is, a blockchain structure that dynamically inherits some data from a reference blockchain (known as the first "layer" and which in Mintlayer is the Bitcoin blockchain), necessary to ensure its independent operation. This type of technology allows a significant increase in performance in terms of speed, scalability and flexibility compared to the first layer both for the exchange of Bitcoin natively and for the exchange of other cryptographic assets.

The disputed domain name was registered with a privacy/proxy service on May 6, 2022, and, at the time of filing of the Complaint, redirected to the Complainant's domain name and website <mintlayer.org>.

MX records have also been configured for the disputed domain name, which suggests that it may be actively used for email purposes.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that:

1. The disputed domain name is confusingly similar to the Complainant's trademark.

The Complainant contends that the disputed domain name <mintlayerfoundation.org> is confusingly similar to its trademark MINTLAYER.

2. The Respondent does not have any rights or legitimate interest in the disputed domain name.

The Complainant contends that the Respondent is not commonly known by the disputed domain name and that the Respondent is not affiliated with or authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and is not related to the Complainant's business in any way. The Complainant does not carry out any activity for, nor has any business dealings with, the Respondent. The Complainant further asserts and documents that according to a search carried out in the Commercial Register of the Principality of Liechtenstein there is no entity existing under the name "Mintlayer foundation" or "Mintlayer".

3. The disputed domain name has been registered and is being used in bad faith

The Complainant contends that the disputed domain name has been registered and is being used in bad faith for the following reasons.

The Respondent has used a privacy or proxy service when registering the disputed domain name.

The Respondent, who is a person with whom the Complainant had a former professional relationship from October 2021 until February 2022, has not been granted any license or approval by the Complainant to use the MINTLAYER trademark, or any other trademark identical or confusingly similar to such trademark, for any reason.

There is no entity existing under the name "Mintlayer foundation" in Liechtenstein, and all Google search results with the keywords "mintlayer" and "mintlayer foundation" are related to the Complainant.

Considering the prior relationship between the parties and that the disputed domain name redirects to the Complainant's domain name and website <mintlayer.org>, it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of the Complainant, its activities and the MINTLAYER trademark, and without the intention of capitalizing on the reputation and goodwill of the Complainant's trademark or otherwise misleading internet users.

Moreover, the disputed domain name has MX servers configured. Configuring email servers on the disputed domain name that confuses people into thinking it belongs to the Complainant might be part of a fraudulent scheme (phishing), such as to obtain sensitive or confidential personal information, or to solicit payment of fraudulent invoices.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

A) Confusing similarity

The Panel agrees with the Complainant's assertions that the addition of the generic term, "foundation", does not prevent the disputed domain name from being confusingly similar to the Complainant's trademarks.

B) Lack of legitimate rights or interests

Owing to the prior relationship between the parties and the fact that the disputed domain name redirects to the Complainant's domain name and website <mintlayer.org>, it is inconceivable that the Respondent could have registered the disputed domain name without having the Complainant's trademark and activity firmly in mind. The Complainant's assertions that the Respondent is not commonly known by the disputed domain name, that there is no entity existing under the name "Mintlayer foundation" in Liechtenstein, and that the Respondent is not affiliated with or authorized by the Complainant, are sufficient grounds to constitute a prima facie demonstration of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The burden of evidence therefore shifts to the Respondent to show, using tangible evidence, that it does have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C) Registered or Used in Bad Faith

The Complainant gives sound bases for its contention that the disputed domain name was registered and has been used in bad faith.

Firstly, owing to the prior relationship between the parties and that the disputed domain name redirects to the Complainant's domain name and website <mintlayer.org>, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademarks.

Secondly, the Panel accepts the Complainant's unchallenged assertion that the Respondent registered and is using the disputed domain name with the aim of creating a likelihood of confusion with the Complainant's trademark.

Thirdly, the Respondent has not responded to nor denied any of the assertions made by the Complainant in this proceeding.

Lastly, the disputed domain name has MX servers configured. The Panel agrees with the Complainant's assertion that configuring email servers on the disputed domain name to confuse people into thinking it belongs to the Complainant might be part of a fraudulent scheme (phishing), such as to obtain sensitive or confidential personal information, or to solicit payment of fraudulent invoices.

For all the reasons stated above, the Complaint is

Accepted

and the disputed domain name(s) is (are) to be

1. **MINTLAYERFOUNDATION.ORG**: TRANSFERRED

PANELLISTS

Name(s): Dr. Fabrizio Bedarida

DATE OF PANEL DECISION 2022-06-27

Decision Publication

Publish the Decision
