



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE
DOMAIN NAME DISPUTE
ADMINISTRATIVE PANEL
DECISION

CIIDRC case number:	24695-UDRP	Decision date: March 23, 2025
Domain Name:	intact.com	
Panel:	Peter Müller	
Complainant:	Intact Financial Corporation	
Complainant's representative:	Catherine Phillips-Smith	
Respondent:	Pontus Lindwall	
Respondent's representative:	Carl Wendt	

1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre to the Panel:

1. On January 31, 2025, Catherine Phillips-Smith of Blake, Cassels & Graydon LLP filed a Complaint on behalf of Intact Financial Corporation pursuant to the UDRP and the UDRP Rules via electronic mail.
2. On January 30, 2025, CIIDRC transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name.
3. On January 31, 2025, the Registrar confirmed the identity of the Respondent by providing the above contact details. In addition, the Registrar confirmed that the disputed domain name was placed in a Registrar LOCK.
4. The Complainant was informed of the Respondent's information as provided by the Registrar and subsequently resubmitted the amended Complaint on February 5, 2025.

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5. Under Paragraph 4 (c) “the Provider shall review the Complaint for administrative compliance with the Policy and the Rules.” On February 6, 2025, CIIDRC confirmed compliance of the Complaint and commencement of the dispute resolution process.

6. On February 6, 2025, pursuant to UDRP Rule 4 and Supplemental Rule 5, CIIDRC notified the Respondent of this administrative proceeding and forwarded a Notice of Complaint to the Respondent.

7. The deadline for submitting a Response was set for February 26, 2025.

8. On February 20, 2025, Carl Wendt filed a Response on behalf of Pontus Lindwall.

9. The Complainant and the Respondent in this administrative proceeding have elected for a Panel consisting of a single member. The required Panel fee deposit was received on February 25, 2025.

10. In accordance with Rule 5 (d), CIIDRC appointed Peter Müller as a single-member panel in the above-referenced matter. He accepted the appointment.

This matter is conducted pursuant to the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) of the Internet Corporation for Assigned Names and Numbers (ICANN).

2. FACTS ALLEGED BY THE PARTIES

The Complainant in this administrative proceeding is a Canada’s largest home, auto and business insurance company protecting over 3 million customers with a history dating back to 1809. After operating under various names, the Complainant changed its name to “Intact Financial Corporation” on May 13, 2009. The Complainant is the registered owner of trademarks for “INTACT” for a wide variety of insurance and financial related services in Canada (applied for on February 2, 2009 and registered on May 6, 2010), the United States (applied for on August 3, 2009 and registered on November 22, 2011), the European Union (applied for on January 5, 2021) and the United Kingdom (applied for on January 5, 2021), the “INTACT Marks”. The Complainant, after changing its name, began using domain names such as “intact.ca” and “intactinsurance.com” for its online insurance and financial services. The Complainant expanded beyond Canada into the United States, United Kingdom, Ireland and Europe. The Complainant began researching the disputed domain name in 2020 as part of its expansion beyond Canada.

The Domain Name was first registered on December 1, 1995, by Intact Technology Stockholm AB, a Swedish Corporation which was wholly owned and controlled by the company Betsson AB, of which the Respondent has been an employed functionary since 1991 and CEO since 1999. The website was taken down in 2005 and the Domain Name remained unused entirely until 2013. At that time, a simple website was available with the following content:

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Intact Technology Stockholm AB had been liquidated and dissolved in 2016, when the Respondent took over the Domain name.

3. CONTENTIONS OF THE PARTIES

3.1 Complainant

The Complainant alleges that the Domain Name is identical to the INTACT Marks and confusingly similar the Complainant's INTACT-formative trademarks and states that its services are "long-standing and well-known"

The Complainant further argues that the Respondent has no rights or legitimate interests in the Domain Name. In this regard, the Complainant alleges that the Respondent is not affiliated with the Complainant and has never been authorized to use the INTACT Marks, that the Respondent has never used, nor proposed to use, the domain in connection with any a *bona fide* offering of goods or services and therefore passively held the Domain Name, that the Respondent is not, and has never been, commonly known by the Domain Name as either an individual or a business, and that the Respondent is not making any legitimate non-commercial or fair use of the Domain Name.

Finally, the Complainant alleges that the Domain Name was registered and is being used in bad faith. With respect to bad faith registration, the Complainant argues that the Respondent's bad faith use and registration of the Domain Name can be inferred from a contextual and combined analysis of the following conduct: (a) the Respondent's acquisition of the Domain Name when it knew or ought to have known about INTACT Marks, (b) the Respondent's continued passive use of the Domain Name; and, (c) the Respondent's renewal of its registration for the Domain Name after learning of the Complainant's rights in the INTACT name while simultaneously not actively using the Domain Name. The Complainant further argues that the Respondent's passive holding of the Domain Name constitutes bad faith use given that the INTACT Marks are well-known, the Respondent has concealed its identity by means of statutory masking, the Complainant has been unable to learn the identity of and to contact the Respondent directly, the Respondent has not actively used the Domain Name, and the Respondent's actions make it inconceivable that it could have a legitimate or good faith use of the domain name. Finally, the Complainant argues that the Respondent has continued to renew its registration for the Domain Name despite failing to take any action to either legitimately use or lessen the misleading appearance of the inactive "intact" landing page and that such conduct constitutes a clear violation of the

domain name dispute policy applicable to the Domain Name such that any prior use or registration of the Domain Name should be retroactively deemed to be in bad faith.

3.2 Respondent

The Respondent submits that the word "INTACT" is a generic term and does not in any way refer uniquely to the Complainant. The Respondent states that merely in Sweden, where the Respondent is domiciled, there are numerous of companies using the term 'intact' as part of their company name.

The Respondent further submits that the earliest trademark registrations referred to by the Complainant date from 2009 and have been filed in the United States and Canada. The Respondent states that the Domain Name has been under the ownership, direct or indirect control of the Respondent for at least 10 years at the time of the Complainant's filings in the United States and Canada and that the Domain Name was acquired by the company Intact Technology Stockholm AB for use in a future project. The Respondent states that it has made and continues to make a lawful, non-commercial, and fair use of the Domain Name and that the Domain Name has not been linked to a website containing content that is misleading or could reasonably be mistaken as being associated with the Complainant.

The Respondent argues that the Complainant has not provided any evidence that its trademark is or has been used to such an extent that it should be considered to have acquired "well-known" status on any market, or that there has been any attempt to obtain commercial advantage, or to mislead or divert consumers or to tarnish the INTACT Marks.

Finally, the Respondent contends that the Complainant has not provided any evidence of the Respondent's bad faith and there is no basis for such a finding. It notes that the Domain Name was registered prior to the creation (or imminent creation) of any trademark rights and that "intact" serves both as a trademark and as a dictionary term, suggesting that the term is not exclusively associated with the Complainant, further reducing the likelihood of bad faith registration or use.

3.3 Remedy Sought

The Complainant requests the Domain Name be transferred to it.

4. DISCUSSION AND FINDINGS

4.1 Requirements

In accordance with Paragraph 4 of the Policy, the onus is on the Complainant to prove:

1. That the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
2. That the registrant has no rights or legitimate interests in the Domain Name; and

3. That the Domain Name has been registered and is being used in bad faith.

The Panel will consider each of these requirements in turn.

4.2 Analysis

First, the Panel would like to note that it is somewhat surprising that the Panel has not received any further information from the Respondent, who is of course aware of all the facts in this regard, regarding the history of the Domain Name. The Complainant states that the “previous apparent registrant, Intact Technology Stockholm AB, had been liquidated and dissolved in 2016, leaving the conclusion that registration of the intact domain must have been (actually and/or effectively) transferred to the Respondent.” The Complainant’s allegations in this regard remained uncontested, and the Respondent did not provide any further explanation in this regard. Therefore, the Panel considers that the Domain Name was transferred to the Respondent after the liquidation of Intact Technology Stockholm AB in 2016.

4.2.1 That the Domain Name is Identical or Confusingly Similar to a Mark in which the Complainant has Rights

The inquiry under the first element consists of two parts. The first issue is whether the Complainant has UDRP-relevant rights in a trademark and the second is whether any such trademark is identical or confusingly similar to the disputed domain name. Failure on either issue would result in a failure to meet the requirements of Paragraph 4(a)(i) of the Policy and ultimately in failure of the Complaint.

The Complainant provided evidence that it has registered rights in the trademark “INTACT”. The second level of the Domain Name fully incorporates this trademark without any variations. As a result, the Panel finds that the Domain Name is identical to the INTACT Marks and that the Complainant satisfied the requirements of Paragraph 4(a)(i) of the Policy.

4.2.2 That the Respondent has No Rights or Legitimate Interest in the Domain Name

Even though the Policy requires the complainant to prove that the respondent has no rights or legitimate interests in the disputed domain name, there is a consensus view among UDRP panels that a complainant need only establish a *prima facie* case to satisfy the requirements of Paragraph 4(a)(ii) of the Policy. As a result, once a *prima facie* case is made, the burden of coming forward with evidence of the respondent’s rights or legitimate interests in the disputed domain name will then shift to the respondent (cf. section 2.1 of the WIPO Overview 3.0).

The Complainant has substantiated that the Respondent has no rights or legitimate interests in the Domain Name. Although the Complainant did not address the generic meaning of the Domain Name and thus failed to address a relevant aspect of the present case, the Panel finds that the Complainant has established a *prima*

facie case that the Respondent has no rights or legitimate interests in the Domain Name and that the burden of production has been shifted to the Respondent, who addressed this question in his response.

After careful consideration of the facts presented by both parties, the Panel finds as follows:

- The Domain Name has been first registered before the Complainant's changed its name in 2009;
- the Domain Name was used in connection with a Swedish company Intact Technology Stockholm AB;
- the Domain Name consists of a dictionary word.

These facts alone provide several starting points for the Respondent to assert its own rights or legitimate interests in the Domain Name.

First, Intact Technology Stockholm AB had prior rights in the word "Intact" based on its company name. The Respondent alleged and provided some evidence that the Domain Name had been under the ownership, direct or indirect control of the Respondent ever since. In cases where there is an unbroken chain of possession, panels typically would not treat merely "formal" changes or updates to registrant contact information as a new registration. However, the Respondent has provided little evidence in this regard, only stating that he is "a Swedish Entrepreneur within the field of Tech and internet" and that he has been the CEO of the parent company of Intact Technology Stockholm AB since 1999. The Panel is not fully convinced that there was an unbroken chain of ownership and that the Respondent can rely on the prior rights of and registration by Intact Technology Stockholm AB, which, by the way, have been definitively abandoned in the meantime.

Second, it is well established that the fact that the Domain Name is indisputable consists of a dictionary term does not by itself automatically confer rights or legitimate interests on the Respondent and that mere arguments that a domain name corresponds to a dictionary term are not necessarily sufficient. In order to find rights or legitimate interests in a domain name on the basis of its dictionary meaning, the domain name should be genuinely used, or at least demonstrably intended for such use, in connection with the dictionary meaning relied on and not to trade off third-party trademark rights. In the present case, the Respondent has not provided any evidence of to the use of the Domain Name or of preparations for such use in connection with the dictionary meaning relied on. On the other hand, there is no evidence whatsoever that the Respondent has attempted to trade off the Complainant's rights.

In the light of the Panel's findings below, it is not necessary for the Panel to reach a decision in this regard.

4.2.3 That the Respondent has Registered and Used the Domain Name in Bad Faith

The bad faith inquiry also consists of two parts. The complainant must prove that the respondent has registered and used the domain name in bad faith.

The Panel is not sufficiently convinced that the requirements for bad faith registration and use of the Domain Name are met. The Panel will consider the following issues in making its decision in this regard:

Bad faith registration

- The Respondent has become the holder of the Domain Name in 2016. The Complainant has not provided any evidence of its business activities in Sweden at that time, only stating that in “continuing to develop and expand beyond Canada, Intact began investigating domain names in 2020. One of the domains under investigation was intact.com.” Therefore, the Panel considers that the Complainant had no or little business activity in Sweden, where the Respondent is located, in 2016 and was not “known” in Sweden at that time. Therefore, the Panel does not assume that the Respondent knew the Complainant in 2016 or that it must have known the Complainant because of its reputation in Sweden. It is well established that the concept of constructive knowledge can only be applied in very limited circumstances, in particular where the parties are both located in the United States and the complainant has obtained a federal trademark registration. This is not the case in these proceeding.
- The INTACT Marks correspond to a dictionary term.
- The Respondent was connected to Intact Technology Stockholm AB, which originally registered the Domain Name in 1995, and became the holder of the Domain Name after its liquidation and dissolution in 2016.
- It is well established that the mere renewal of a domain name registration by the same registrant is not sufficient to support a finding of registration in bad faith, notwithstanding the registrant's representations under Paragraph 2 of the Policy.

Bad faith use

- The Domain Name was not used in connection with a commercial website but only in connection with a placeholder website which, as shown above and as evidenced by the Complainant's Annexes 19 to 21, contained the Respondent's email address. The Respondent therefore has not “concealed its identity” as alleged by the Complainant. The statutory masking of personal data in the Whois register is more likely to have been carried out against the backdrop of the GDPR, as has been the case for almost all domain names since 2017.
- The Respondent did not passively hold the Domain Name in accordance with the recognized principles of jurisdiction first set out in *Telstra Corporation Limited v. Nuclear Marshmallows* (WIPO Case No. D2000-0003, telstra.org). It is well established that these principles can only be applied if a respondent is most likely using a domain name in bad faith, for example to exclude a complainant from registering the domain name or to provoke a buy request. The Panel cannot find any bad faith in the Respondent's actions as alleged and proven by the Complainant. Rather, he simply took over an asset of Intact Technology Stockholm AB after its liquidation.
- The Complainant has not provided any evidence that the Domain Name has been used in connection with content infringing the INTACT Marks. The website under the disputed domain name does not contain the Complainant's logo or even the word “intact” in the font used by the Complainant. In the view of the Panel,

the use of the colour "red" alone not sufficient to conclude that the Respondent is targeting the Complainant.

- There is no competitive relationship between the parties.
- There is nothing in the record to indicate that the Respondent deliberately targeted the Complainant or attempted to derive any financial benefit from the domain name at the expense of the Complainant.
- There is no obligation to use domain names and the Respondent's mere non-use is not sufficient to establish bad faith without further evidence.

Consequently, the Panel finds that the Complainant has failed to prove that the Respondent registered and used the Domain Name in bad faith under Paragraph 4(a)(iii) of the Policy.

4.2.4 Reverse Domain Name Hijacking (RDNH)

The Respondent requested for a finding of Reverse Domain Name Hijacking (RDNH).

Paragraph 15(e) of the Rules provides that, if "after considering the submissions the panel finds that the complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or was brought primarily to harass the domain-name holder, the panel shall declare in its decision that the complaint was brought in bad faith and constitutes an abuse of the administrative proceeding". RDNH is further defined in the UDRP Rules as "using the UDRP in bad faith to attempt to deprive a registered domain-name holder of a domain name." Panels have also referred to paragraphs 3(b)(xiii) and (xiv) of the Rules when addressing possible RDNH scenarios.

In the present case, the Complainant has numerous trademarks for "INTACT" throughout the world, including in Sweden, where the Respondent is located, and is Canada's largest home, auto and business insurance company and therefore known at least in its home market. Furthermore, the Complainant correctly established that its trademarks predate the Respondent's takeover of the Domain Name, which, according to case law, may be considered as a new registration if the domain name was not in an unbroken chain of possession.

Therefore, it is not obvious that the Complainant knew that it could not succeed on any of the required three elements. Furthermore, since the Whois information was not publicly available, the Complainant could not assess the history of the domain name with absolute certainty. Although the Complainant falsely claimed that he only became aware of the identity of the domain holder after filing the complaint (by the complainant's own admission, the domain holder's email address was on his website!), the Panel does not see sufficient grounds for a finding of RDNH.

4 DECISION and ORDER

For the above reasons, in accordance with Paragraph 4 of the Policy, Paragraph 15 of the Rules, and Rule 10 of the Supplemental Rules, the Complaint is denied.

Made as of March 24, 2025

SIGNATURE OF PANEL



