

PIRELLI & C. S.p.A.)
Via G. Negri 10, Milano)
ITALY)
)
(Complainant))
)
 v.)
)
Parisa Tabriz)
100 CandyLand Ave.)
Peppermint Grove)
31338 Idaho)
U.S.A.)
)
(Respondent))
 _____)

Domain Names In Dispute:
P-ZERO.ORG

**COMPLAINT IN ACCORDANCE WITH
 THE UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY**

[1.] This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy, adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999 and approved by ICANN on October 24, 1999 (ICANN Policy), and the Rules for Uniform Domain Name Dispute Resolution Policy (ICANN Rules), adopted by ICANN on August 26, 1999 and approved by ICANN on October 24, 1999, and the National Arbitration Forum (NAF) Supplemental Rules (Supp. Rules). ICANN Rule 3(b)(i).

[2.] COMPLAINANT INFORMATION

[a.] Name: *PIRELLI & C. S.p.A.*
 [b.] Address: *Via G. Negri 10, Milano ITALY*
 [c.] Telephone: *+39 02 58300013*
 [d.] Fax: *+39 02 58301263*
 [e.] E-Mail: *mail@pcapatlaw.it*

COMPLAINANT'S AUTHORIZED REPRESENTATIVE INFORMATION

[a.] Name: *PORTA, CHECCACCI & ASSOCIATI S.p.A.*
 [b.] Address: *Via Trebbia 20, 20135 Milano ITALY*
 [c.] Telephone: *+39 02 58300013*
 [d.] Fax: *+39 02 58301263*
 [e.] E-Mail: *mail@pcapatlaw.it*

ICANN Rule 3(b)(ii).

The Complainant's preferred method for communications directed to the Complainant in the administrative proceeding: ICANN Rule 3(b)(iii).

Electronic-Only Material

[a.] Method: *e-mail*
[b.] Address: *mail@pcapatlaw.it*
[c.] Contact: *Cristina Cazzetta*

Material Including Hard Copy

[a.] Method: *fax*
[b.] Address/Fax: *+39 02 58301263*
[c.] Contact: *Cristina Cazzetta*

The Complainant chooses to have this dispute heard before a *single-member administrative panel*. ICANN Rule 3(b)(iv).

[3.] RESPONDENT INFORMATION

[a.] Name: Parisa Tabriz
[b.] Address: 100 CandyLand Ave. Peppermint Grove, 31338 Idaho – U.S.A.
[c.] Telephone: +1.9999999999
[d.] E-Mail: tabriz@uiuc.edu

[4.] DISPUTED DOMAIN NAME(S)

[a.] The following domain name is the subject of this Complaint: ICANN Rule 3(b)(vi).

P-ZERO.ORG

[b.] Registrar Information: ICANN Rule 3(b)(vii).

[i.] Registrar's Name: *GO DADDY SOFTWARE, INC.*
[ii.] Registrar's Address: *14455 N Hayden Suite 226, Scottsdale, AZ 85260, US*
[iii.] Telephone Number: *+ 1.4805058800*
[iv.] Telefax Number: *+ 1.4805058865*
[v.] E-Mail Address: *registrar_routine@godaddy.com*

[c.] Trademark/Service Mark Information: ICANN Rule 3(b)(viii).

PIRELLI & C. S.p.A. is owner of the trademarks enclosed and marked as *Exhibit "A"*. The Trademarks portfolio marked as *Exhibit "A"* lists trademarks with keywords "**PZERO**" "**P ZERO**" and "**ZERO**" and it has been sorted by Trademark and then by Country.

Please see *the Exhibit "A"*.

The PIRELLI Group has a long industrial tradition and is ranked among the world's leaders in every sector in which it operates. For more than a century, PIRELLI has been developing into a fully-fledged multinational, firmly rooted in various national markets. Innovation and research are PIRELLI's most distinctive hallmarks. The Company has pioneered new technologies in order to have an online integrated management system, from supplies to production, from distribution to sales - with the ultimate aim being to create value.

In terms of business Sectors, revenues from sales of goods and services of the PIRELLI Group are distributed as follows: more than 40% in the power cables and systems sector (class 9 of the International Classification System of Goods and Services); more than 6% in the telecommunications cables and systems sector (classes 9 and 38 of the International Classification System of Goods and Services); more than 44% in the tire sector (class 12 of the International Classification System of Goods and Services); and almost 10% in the real estate sector (Pirelli & C. Real Estate) (class 36 of the International Classification System of Goods and Services).

Anyway also services in class 7 (*namely, "Machines and machine tools; motors and engines"*) class 14 (*namely, "Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments"*) class 18 (*namely, "Leather and imitations of leather, and goods made of these materials and not included in other classes"*) class 25 (*namely, "Clothing, footwear, headgear"*) class 28 (*namely, "gymnastic and sporting articles"*) class 35 (*namely "Franchising services; business advisory services relating to franchising; commercial management assistance in relation to franchises; advertising; business management; business administration; office functions"*) class 41 (*namely "Education; providing of training; entertainment; sporting and cultural activities"*)

and 42 (namely "Scientific and technological services and research and design relating thereto; industrial analysis and research services") belong to many Trademark Applications and/or Registrations

[5.] **FACTUAL AND LEGAL GROUNDS**

This Complaint is based on the following factual and legal grounds: ICANN Rule 3(b)(ix).

The domain name "P-ZERO.ORG" object of the present claim was registered on 21 August 2006 by Parisa Tabriz of . Peppermint Grove, Idaho (U.S.A.) as certified by the attached printout of the Whois website (*Exhibit "B"*) i.e. well after Complainant's Trademark Registrations.

[a.] ICANN Rule 3(b)(ix)(1); ICANN Policy ¶ 4(a)(i).

The disputed domain constitutes usurpation and violation of the rights of the Complainant **PIRELLI & C. S.p.A.** with regard to its trademarks registered in Italy and in the world.

Please see the Exhibit "A" for the trademarks list

[b.] ICANN Rule 3(b)(ix)(2); ICANN Policy ¶ 4(a)(ii).

1. PIRELLI & C. S.p.A. Over 130 Years' Business¹

In **1872**, the twenty-four year old engineer Giovanni Battista Pirelli founded Pirelli & C. in Milan, establishing the first factory for the manufacture of rubber goods. By the end of the century he had begun to diversify into the production of insulated wires for telegraphy (**1879**) and undersea telegraph cables (**1886**), and had launched the first pneumatic bicycle tyre (**1890**). Pirelli's first pneumatic car tyre appeared in **1901**, in **1905** the first motorsport victory, with the Itala at the Pecking-Paris raid. The firm also began to expand geographically with the opening of cable factories in Spain (**1902**), Great Britain (**1914**) and Argentina (**1917**). The interwar years saw Pirelli making fundamental technological conquests with the patenting of the first fluid oil cable in **1927**, and continuing with its international expansion as it began manufacturing cable in Brazil, tyres in Great Britain and general goods in Spain (**1917**) and Argentina (**1919**). On the automotive front, the company launched the Stella Bianca sports tyre and from the 1920s onwards, drivers of the calibre of Nuvolari, Ascari and later Fangio recorded a magnificent series of sporting triumphs using Pirelli tyres. The company's products have, in fact, carried cars and drivers to no fewer than 19 World Rally Championships and a host of track victories.

In the meantime, in the Fifties, the company introduced the Cinturato radial-technology that was to shape the history of the tyre. Geographical expansion also continued with new factories being opened to produce cables in Canada (**1953**), rubber goods in France (**1957**) and tyres in Greece and Turkey (**1960**). The Sixties and Seventies saw the group continue to expand, with the acquisition of Veith (tyres) in Germany in **1963** and cable production being established in Peru (**1968**) and Australia (**1975**). Further cable businesses were acquired in the USA in 1978 and in France and the Ivory Coast in 1980.

In the mid-Seventies, Pirelli invented the lowprofile tyre it named the P7, the most significant technological innovation since the Cinturato. The period also witnessed a veritable revolution in the cable sector with the birth of fibre optics.

In **1982**, in fact, Pirelli inaugurated the first Italian fibre optics production facility at Battipaglia, with numerous foreign subsidiaries immediately following suit. The Eighties saw the programme of acquisitions continue apace, with Pirelli taking over the German motorcycle tyre manufacturer, Metzeler, the cable firm Filergie and the land telecommunications cable business Standard Telephone Cable.

In the tyre sector, the group focussed on the introduction and worldwide distribution in **1987** of the PIRELLI **P Zero** range of ultra-low profile tyres destined for the most prestigious flagship models. Following the demanding restructuring programme of **1992-93** that involved the sale of the Diversified Products Sector's non-strategic businesses, the group embarked on an international relaunch with new technologies, new products and, above all, a focus on new, emerging markets such as the Far East and Africa.

. In recent years, Pirelli Cables and Systems has reinforced its leading position in the power sector with the acquisition of Siemens businesses in nine countries (**1998**), Metal Manufacturers Ltd in Australia and Draka Holding in Holland and Finland (**1999**) as well as BICCGeneral in Europe, Asia and Africa (**2000**). 2000 is the year of the sale of the Terrestrial Optical Systems business to Cisco Systems and the sale of the Optical Components business to Corning for an income of more than Euros 5 billion for revenues from these businesses that had represented 3.3% of the total for the entire Group: an unprecedented value creation.

In 2001 PIRELLI re-invested the liquidity derived from this operation to enter through Olimpia S.p.A. – the vehicle company established with the Benetton Group, Banca Intesa and Unicredito – for a wide ranging industrial project in the Telecom Italia Group, one of the largest and most profitable utility companies in Europe. It is in that way that an asset swap was achieved, with the evident strategic reinforcement of the Group. The new millennium saw another revolution in the tyre sector: the introduction in **2000** of the MIRSTM production process for the automated manufacture of high performance tyres. While Pirelli MIRSTM mini-factories were being opened in Germany, Great Britain and the United States, the pilot plant at Milano Bicocca

¹ See Pirelli Group Brochure as Exhibit "C"

saw the introduction in **2002** of the futuristic automated CCM – Continuous Compound Mixing – facility. The same period also saw the creation of PIRELLI Labs in Milan, the group's avant-garde research centre actively developing new technologies in the fields of photonics, fibre optics and materials science.

From **2002**, PIRELLI also began to expand in the real estate market: within a few months the management company Pirelli & C. Real Estate had established itself as the most important player on the Italian real estate market. The rationalization of the group's structure was completed in **2003** with the fusion of PIRELLI S.p.A. and PIRELLI & C. Luxembourg S.p.A. to form PIRELLI & C. S.p.A.

P Zero was born as an innovative tyre suitable for road traffic but with all the typical characteristics of racing tyres. With the birth of Ferrari F40 in 1987 **PZero** took the decisive step which from a 'semi-rally position' placed it at the top of tyres for a real traffic use directly. The same route of its ancestor P7, even if in that case the landing place after a rally Lancia was the Porsche 911. As of 1995, the monogram **PZero** also characterises the series of tyres available for the Ferrari 333SPs competing on the American circuits of IMSA Championship. In 2000 Pirelli launched the new **PZero Rosso** (red) on worldwide markets. The name **PZero** has been chosen once again, because **PZero** represents the turning point in the UHP tyres technology.

Zero stands for "zero limiti" (no limits) and Rosso stands for the red colour which symbolizes the passion for driving. This is the same feeling that accompanied **PZero's** birth and keeps on animating the new generation of ultra-low profile high performance tyres.

PZero Rosso completes a new range of UHP technologically advanced tyres for drivers and cars. It has peak performance levels. Its promptness, progression, accuracy for trajectory and roadholding ability are the qualities on which history of Pirelli low profile tyres is based, starting from P7 created for Lancia Stratos.

Three years ago, the **PZero** brand lunched Pirelli as their industrial design project for clothing, encompasses a line of apparel, shoes, watches and accessories, and is known for applying high technology to a fashion product. The name of each model has the suffix PZero - code name of the Pirelli tyres of the same name - invented in 1987 for the **Ferrari F40** saloon. This was a real first, developed from Formula One radials for use on ordinary roads. Leaving aside the fashion formulae and seasonal tendencies, in two years of research, a group of experts have come up with a selection of **unique styles**.

2. The PIRELLI Group in numbers – a well-known Brand

The PIRELLI Group is present with its own industrial activities across 25 countries with 80 sites and approximately 36,300 employees. From a geographical point of view, revenues from sales of goods and services are distributed over: 65% in Europe (of which 22% in Italy); approximately 9% in North America; approximately 12% in Central and South America and the remaining 14% in Australia, Africa and Asia. The geographic areas that offer the greatest prospects for development are, in the tire sector, North America and the developing countries, and in the power cables and systems sector, Russia, Poland and Central America (in addition to China and the Far East).

PIRELLI is one of the world's best-known Italian brand names, thanks above all to the widespread distribution of the tyres produced in 22 factories located in 10 different countries. In particular, PIRELLI TYRE² is the world leader in the field of tyres for high performance cars, in both the original equipment and aftermarket segments.

The PIRELLI range comprises tyres for cars, motorcycles and commercial vehicles. Among the company's strengths is its commitment to the development of products that are ever more reliable and that offer ever greater performance, thanks also to the use of the most advanced IT technology for the active control of the tyres operational parameters such as the "Pirelli X-Pressure" sensors.

The positioning of the PIRELLI tyre division was reinforced with the acquisition of Alexandria Tire Company in Egypt, a factory built by PIRELLI for the production of radial tyres for commercial vehicles. In the September of 2003 Pirelli inaugurated a new factory at Feira de Santana (State of Bahia, Brazil) for the production of high performance radial tyres. The tyres produced in Bahia are destined for export to demanding markets such as that of the United States. American drivers in fact consider PIRELLI car tyres to be the best, a fact that emerges from the annual tyre satisfaction index compiled by the JD Power and Associates institute of analysis on the basis of responses from over 30,000 motorists. This is a result that reflects the high qualitative standards of the tyres produced by the MIRSTM (Modular Integrated Robotized System) plant installed at Atlanta (Georgia) that has allowed Pirelli to win important original equipment contracts in 2003 with the principal US carmakers.

On the competition front, Petter Solberg won the 2003 Drivers' World Rally Championship at the wheel of a Subaru Impreza WRC, bringing PIRELLI its 19th world title and demonstrating once again the competitiveness of the Italian racing covers. PIRELLI's collaboration with the Ferrari Maserati was similarly positive, with the company acting as the tyre supplier for the cars driven in the GT race series in Europe and the United States.

² See Pirelli Tyre Brochure as Exhibit "D"

Furthermore, PIRELLI Moto is the exclusive tyre supplier for all the teams competing in the World Superbike and Supersport Championships.

For a more meaningful understanding of the performance of the Group in its various segments of business, the following economic data and the net financial position are provided divided by business segment.

(in millions of euros)	9 months to 9/30/2006					TOTAL
	Tyres	Broadband	Environment	Real Estate	Other	
. Net sales	2.990,6	102,6	54,5	464,4	11,0	3.623,1
. Gross operating profit (loss)	418,1	(0,1)	1,5	58,9	(16,4)	462,0
. Operating profit (loss)	271,4	(1,0)	0,9	52,3	(23,9)	299,7
. Earnings (losses) from investments	0,3	-	-	63,3	(1.533,1) ⁽¹⁾⁽²⁾⁽³⁾	(1.469,5)
. Operating profit (loss) incl. earnings (losses) from investments	271,7	(1,0)	0,9	115,6	(1.557,0)	(1.169,8)
. Financial income (expenses)	(42,3)	(1,0)	-	(1,0)	(85,0)	(129,3)
. Income taxes	(75,8)	(0,5)	(0,4)	(29,2)	(5,5)	(111,4)
. Income (loss)	153,6	(2,5)	0,5	85,4	(1.647,5)	(1.410,5)
. Net financial (liquidity)/debt position	783,3	9,0	(0,3)	94,9	543,9	1.430,8

(in millions of euros)	9 months to 9/30/2005					TOTAL
	Tyres	Broadband	Environment	Real Estate	Other	
. Net sales	2.706,9	81,4	40,1	458,8	35,1	3.322,3
. Gross operating profit (loss)	412,4	(5,6)	(1,2)	48,3	(18,0)	435,9
. Operating profit (loss)	271,1	(6,0)	(2,4)	41,9	(26,6)	278,0
. Earnings (losses) from investments	(0,5)	-	-	62,6	132,8 ⁽¹⁾	194,9
. Operating profit (loss) incl. earnings (losses) from investments	270,6	(6,0)	(2,4)	104,5	106,2	472,9
. Financial income (expenses)	(29,6)	(0,7)	-	0,8	(80,5)	(110,0)
. Income taxes	(75,9)	(0,2)	(0,1)	(26,4)	6,1	(96,5)
. Income (loss)	165,1	(6,9)	(2,5)	78,9	31,8	266,4
. Net financial (liquidity)/debt position	384,7	3,1	(1,5)	29,4	820,1	1.235,8

(1) The valuation of Olimpia S.p.A. by the equity method shows earnings of Euros 127 million (Euros 130 million in 2005).

(2) The writedown of Olimpia S.p.A. amounts to Euros 2,116 million.

(3) The gain on the sale of a 38.9 percent stake of Pirelli Tyre is Euros 416 million.

[c.] ICANN Rule 3(b)(ix)(3); ICANN Policy ¶ 4(a)(iii).

The domain names P-ZERO.ORG is identical or confusingly similar to the trademarks or service marks in which the PIRELLI & C. S.p.A. has rights, for the following reasons:

PIRELLI & C. S.p.A. enjoys extensive rights in the PZERO marks. PIRELLI & C. S.p.A. has used the PZERO marks for many, many years in connection with tyre sector and in clothing design.

In addition, PIRELLI & C. S.p.A. owns and actively uses the domain name PZERO as its domain name, namely PZEROCOLLECTION.COM - PIRELLIPZERO.COM - PIRELLIPZERO.IT - PZEROWEB.EU -

P-ZEROWEB.EU - PZEROCOLLECTION.COM - P-ZERO.IT - PZEROWEB.IT - PZERO.EU - P-ZERO.EU -

PZERONERO.COM - PZEROROSSO.COM - PZEROGIALLO.COM - SCORPIONZERO.COM -

SOPRAZERO.EU - PZEROASSOLUTO.COM - PZEROASSOLUTO.NET - PZEROASSOLUTO.ORG -

PZERO-ASSOLUTO.COM - PZERO-ASSOLUTO.NET - PZERO-ASSOLUTO.ORG -

PZEROASSOLUTO.IT - PZERO-ASSOLUTO.IT. Parisa Tabriz's P-ZERO.ORG domain name is confusingly

similar to PIRELLI & C. S.p.A.'s **PZERO** marks because the slight differences (the add of the symbol “-”, and

the addition of a global toplevel domain (“gTLD”)) are insufficient to distinguish Parisa Tabriz's domain names

from PIRELLI & C. S.p.A.'s mark.

Moreover, Parisa Tabriz's P-ZERO.ORG domain name is confusingly similar PIRELLI & C. S.p.A.'s PZERO

marks pursuant to Policy ¶4(a)(i), because they misspell the mark.

It is well settled that the mere misspelling of a mark or the addition of a generic word do not distinguish a

domain name from a mark. See *State Farm Mut. Auto. Ins. Co. v. Try Harder & Co.*, FA 94730 (Nat. Arb.

Forum June 15, 2000) (finding that the domain name <statfarm.com> is confusingly similar to the

complainant's STATE FARM mark); see also *Sony Kabushiki Kaisha v. Inja, Kil*, D2000-1409 (WIPO Dec. 9,

2000) (finding that “[n]either the addition of an ordinary descriptive word . . . nor the suffix ‘.com’ detract from

the overall impression of the dominant part of the name in each case, namely the trademark SONY” and thus

Policy ¶4(a)(i) is satisfied) see also *See Capital One Financial Corp. v. Spider Webs, Ltd.*, FA 98830 (Nat. Arb.

Forum Sept. 28, 2001) (finding that respondent's use of the <capitolonebank.com> domain name to divert

Internet consumers to respondent's own site was not a bona fide use); *TransOcean Bank & Trust, Ltd. v. Erica*

Ojaruwedia, FA 158163 (Nat. Arb. Forum July 7, 2003) (finding that respondent's use of the <transoceanbank.com> domain name to divert complainant's potential customers to respondent's web site was not a bona fide offering of services).

Pursuant to ICANN Rule 3(b)(ix)(2) and ICANN Policy ¶4(a)(ii), Parisa Tabriz (domain-name holder) has no rights or legitimate interests in respect of the domain name that is the subject of the complaint, for the following reasons: Parisa Tabriz neither uses, nor to PIRELLI & C. S.p.A.'s knowledge has made demonstrable preparations to use, P-ZERO.ORG domain name in connection with a bona fide offering of goods or services. See ICANN Policy ¶4(c) (i). As demonstrated by the home page of the P-ZERO.ORG web site (*see Exhibit "E"*), the site contains no content or information relative to Parisa Tabriz's as manufacturer.

Rather, Parisa Tabriz's site merely contains links to various third-party sites and links such as "www.alfaromeo.it", "www.MotorCyclesTyre.info". Such use of the domain name does not constitute a bona fide offering of goods or services. See *Whitney National Bank v. Unasi Management, Inc.*, FA 449357 (Nat. Arb. Forum May 13, 2005) (inferring that respondent receives pay-per-click fees when Internet users follow the links on its websites and that Respondent makes opportunistic use of Complainant's mark in order to capitalize on the goodwill associated with the WHITNEY mark); *Wachovia Corp. v. InterMos*, FA 102520 (Nat. Arb. Forum Jan. 8, 2002) (finding that respondent's use of the <firstunionbank.com> domain name to offer links to an online casino gambling site did not constitute a bona fide offering of goods or services); *Torrington Savings Bank v. North American Export Co.*, FA 147312 (Nat. Arb. Forum May 19, 2003) (finding that respondent's use of the <torringtonsavingsbank.com> domain name to link to a site offering web hosting services did not constitute a bona fide offering of services).

Obviously, the opponent is using the reputation and fame of the Complainant in bad faith for this website of dubious qualities.

There is no evidence that a website or other on-line presence is in the process of being established which will use this domain name. There is no evidence of advertising, promotion or display to the public of the domain name. There is no evidence of advertising, promotion or display to the public of the domain name. Finally, there is no evidence that the Respondent has offered to sell, rent or otherwise transfer the domain names to the Complainant or any other person. As the WIPO Administrative Panel of correctly stated in *Telstra* and *Red Bull*, "the relevant issue is not whether the Respondent is undertaking a positive action in bad faith in relation to the domain name, but instead whether, in all circumstances of the case, it can be said that the Respondent is acting in bad faith: "..... the concept of a domain name 'being used in bad faith' is not limited to positive action; inaction is within the concept. it is possible for inactivity by the Respondent to amount to the domain name being used in bad faith." (See e.g. *Telstra Corporation Limited v. Nuclear Marshmallows*, (WIPO Case No. D2000-0003) and *Red Bull GmbH v. Manuel Sousa*, WIPO Case No. D2001-0584).

Illegitimacy

The damage suffered by PIRELLI & C. Sp.A., due to the registration of the domain names P-ZERO.ORG by Parisa Tabriz, can clearly be seen from the attempt to exploit the renown of the name P-ZERO and PZERO widely recognised throughout Italy, Europe and Worldwide.

The rights of the complainant PIRELLI & C. S.p.A. deriving from all of the trademark registrations PZERO have also clearly been harmed.

The infringement of the rights of the complainant is of the type provided for by the Uniform Domain Name Dispute Resolution Policy (As Approved by ICANN on October 24, 1999)

- (a) the domain name is identical or confusingly similar to a trademark and/or service mark in which the complainant has rights; and
- (b) the other party has no rights or legitimate interests in respect of the domain name; and
- (c) the domain name has been registered and is being used in bad faith.

In relation to point a) PZERO is a well-known and distinctive well-recognized name in the field of tyres. The P-ZERO.ORG domain name appropriate a common misspelling of Complainant's PZERO mark in its entirety. In view of these circumstances, there is no reasonable possibility that the domain name was selected by Respondent for any purpose other than a brazen attempt to create a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's web site. Such an attempt is evidence of the registration and use of a domain name in bad faith. See ICANN Policy ¶4(b)(iv); *see also Albrecht v. Natale*, FA 95465 (Nat. Arb. Forum Sept. 16, 2000) (finding bad-faith registration and use where "the Respondent's domain name is composed entirely of the Complainant's name" and "[t]here is no reasonable possibility that the name 'KARLALBRECHT.COM' was selected at random").

In relation to point b) the core that characterises the disputed domain name is the word "PZERO". It is totally identical to the "heart" of the brand name of the Complainant and the list of just the Trademark applications and/or registrations and those extending to various countries in the world bears witness to a substantial investment in the name by PIRELLI & C. S.p.A.

In relation to point c) Parisa Tabriz has used a confusingly similar misspelling of Complainant's famous PZERO marks to ensnare unsuspecting Internet users. As such, Respondent is unfairly and opportunistically appropriating the goodwill associated with Complainant's famous PZERO marks. These circumstances strongly evidence Respondent's bad-faith registration and use of the domain names.

Respondent has registered the domain name under the name "Parisa Tabriz" and there is no other evidence in the record suggesting that Respondent is commonly known by the "P-ZERO.ORG" domain name³. Thus, Respondent has not established rights or legitimate interests in the "P-ZERO.ORG" domain name pursuant to Policy ¶ 4(c)(ii). See *Broadcom Corp. v. Intellifone Corp.*, FA 96356 (Nat. Arb. Forum Feb. 5, 2001) (finding no rights or legitimate interests because the respondent is not commonly known by the disputed domain name or using the domain name in connection with a legitimate or fair use); see also *Gallup, Inc. v. Amish Country Store*, FA 96209 (Nat. Arb. Forum Jan. 23, 2001) (finding that the respondent does not have rights in a domain name when the respondent is not known by the mark).

Moreover, Respondent's "P-ZERO.ORG" domain name, which includes Complainant's PZERO mark, resolves to a holding page. Respondent registered the domain name on August 21, 2007, and therefore has been passively holding the disputed domain name for almost one year. Panels have held that the passive holding of a domain name for as little as six months provides evidence that a respondent lacks rights or legitimate interests in the domain name. See *Am. Online, Inc. v. Kloszewski*, FA 204148 (Nat. Arb. Forum Dec. 4, 2003) ("Respondent's passive holding of the <aolfact.com> domain name for over six months is evidence that Respondent lacks rights and legitimate interests in the domain name."); see also *Pharmacia & Upjohn AB v. Romero*, D2000-1273 (WIPO Nov. 13, 2000) (finding no rights or legitimate interests where the respondent failed to submit a response to the complaint and had made no use of the domain name in question). Thus, Respondent's passive holding of the disputed domain name does not constitute a *bona fide* offering of goods or services pursuant to Policy ¶ 4(c)(i), or a legitimate noncommercial or fair use of the domain name pursuant to Policy ¶ 4(c)(iii), because Respondent has failed to make any use of the domain name since registering it almost one year ago.

Therefore, having ascertained **1)** the identity of the domain names P-ZERO.ORG to the brand name of the Complainant PIRELLI & C. S.p.A.; **2)** the confusing similarity of the domain names P-ZERO.ORG registered by the Assignee Parisa Tabriz with the rights deriving from the company trademarks registered in Italy and abroad of the Complainant PIRELLI & C. S.p.A.; **3)** the renown associated with the "wording" PZERO in the tyre and fashion market in Italy and abroad enjoyed by the Complainant PIRELLI & C. S.p.A.; **4)** the illegitimacy of the Assignee Parisa Tabriz in registering the domain names P-ZERO.ORG; **5)** the bad faith of the Parisa Tabriz, the undersigned petitioner, acting in the name of and on behalf of its client, identified by the data according to point A), requests that the National Arbitration Forum NAF begins a reassignment procedure of the domain names P-ZERO.ORG, owned by the subject Parisa Tabriz, asking for:

[6.] **REMEDY SOUGHT**

The Complainant requests that the Panel issue a decision that the domain-name registration be *transferred* to PIRELLI & C. S.p.A. ICANN Rule 3(b)(x); ICANN Policy ¶ 4(i).

[7.] **OTHER LEGAL PROCEEDINGS**

No legal proceedings has never been commenced or terminated in connection with or relating to the domain name that is the subject of the complaint. ICANN Rule 3(b)(xi).

[8.] **COMPLAINT TRANSMISSION**

The Complainant asserts that a copy of this Complaint, together with the cover sheet as prescribed by NAF's Supplemental Rules, has been sent or transmitted to the Respondent (domain-name holder), in accordance with ICANN Rule 2(b) and to the Registrar(s) of the domain name(s), in accordance with NAF Supp. Rule 4(e). ICANN Rule 3(b)(xii); NAF Supp. Rule 4(c).

[9.] **MUTUAL JURISDICTION**

The Complainant will submit, with respect to any challenges to a decision in the administrative proceeding canceling or transferring the domain name, to Scottsdale, Arizona, US. ICANN Rule 3(b)(xiii).

[10.] **CERTIFICATION**

³ see from Google the result of the searched pages for "Parisa Tabriz" related to "P-ZERO" as Exhibit "F"

Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the domain-name holder and waives all such claims and remedies against (a) the National Arbitration Forum and panelists, except in the case of deliberate wrongdoing, (b) the registrar, (c) the registry administrator, and (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

Complainant certifies that the information contained in this Complaint is to the best of Complaint's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully Submitted,



[Signature]

Cristina Cazzetta

March 1st, 2007

Annex to this Complaint please find:

1. *As Exhibit "A" the Trademarks portfolio in the name of PIRELLI & C. S.p.A for PZERO*
2. *As Exhibit "B" the printout of the Whois website attesting the reference data of P-ZERO.ORG*
3. *As Exhibit "C" the PIRELLI Group brochure*
4. *As Exhibit "D" the PIRELLI TYRE brochure*
5. *As Exhibit "E" the Printout of the home pages of the domains P-ZERO.ORG*
6. *As Exhibit "F" the result of the searched pages for "Parisa Tabriz" related to "p-zero"*
7. *Copy of the ICANN Policy applicable to the domain names in dispute*
8. *Check in favor of National Arbitration Forum (NAF) for US\$1.300 #*