

ADMINISTRATIVE PANEL DECISION

Milliman, Inc. v. Super Privacy Service LTD c/o Dynadot / shilei
Case No. D2022-2680

1. The Parties

The Complainant is Milliman, Inc., United States of America (“United States” or “U.S.”), represented by Adams and Reese LLP, United States.

The Respondent is Super Privacy Service LTD c/o Dynadot, United States of America / shilei, China.

2. The Domain Name and Registrar

The disputed domain name <millimanlogin.com> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 21, 2022. On July 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 25, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on July 25, 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 amended Complaint on July 25, 2022.

The Center verified that the Complaint together with the amended 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 July 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 16, 2022. The Respondent did not submit any response. Accordingly, the Center sent notification to the Respondent’s default on August 17, 2022.

The Center appointed Petra Pecar as the sole panelist in this matter on August 28, 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 in this administrative proceeding is a U.S. corporation incorporated in the state of Washington with headquarters in Seattle, United States. The Complainant operates in various markets throughout the world in the areas of employee benefits, investment, property and casualty, healthcare, life, financial services, and insurance services.

The Complaint includes evidence on ownership of numerous trademark registrations for MILLIMAN in various jurisdictions, including:

- China trademark registration MILLIMAN No. 3838950, registered on May 14, 2006;
- China figurative trademark registration MILLIMAN No. 5853860, registered on March 28, 2010;
- United States trademark registration MILLIMAN No. 75714848, registered on March 19, 2002;
- United States trademark registration MILLIMAN No. 75714666, registered on January 29, 2002;
- United States trademark registration MILLIMAN No. 75714659, registered on March 4, 2003;
- United States trademark registration MILLIMAN No. 2535010, registered on January 29, 2002;
- United States trademark registration MILLIMAN No. 77145266, registered on February 26, 2008 and
- United States figurative trademark registration MILLIMAN No. 77252878, registered on March 17, 2009.

The Complainant is also the owner of several domain names including <milliman.com>, <mi11iman.com>, <miiiiman.com>, <miliman.com>, <millaman.com>, <millimen.com>, <milliman.biz>, <milliman.info>, <milliman.org>, <milliman.net>, <millimanbenefits.com> and <coop401kplan.com>.

The disputed domain was created on May 25, 2022, and is directing to a parking page showing pay-per-click ("PPC") links to other websites.

5. Parties' Contentions

A. Complainant

The Complainant states that it is one of the world's largest independent actuarial and consulting firms operating in the areas of employee benefits, investment, property and casualty, healthcare, life and financial services, and insurance services, active in this field since 1947. The Complainant asserts that it is the exclusive owner of the distinctive and well-known MILLIMAN mark.

The Complainant contends that the disputed domain name is identical with or confusingly similar to the Complainant's MILLIMAN trademark, which is included in its entirety in the disputed domain name.

The Complainant further contends that the addition of the word "login" is insufficient to distinguish the disputed domain name from the Complainant's MILLIMAN trademark. In fact, because the Complainant's customers typically "log in" to their accounts on the Complainant's website to access the Complainant's services, the inclusion of the word "login" actually increases the confusing similarity.

According to the Complaint the Respondent has no rights or legitimate interests in respect of the disputed domain name. It is stated that "Milliman login" is not the Respondent's name, and that the Respondent is not, and has never been commonly known as "Milliman login."

The Complainant states that the Respondent is not, and has never been a licensee or franchisee of the Complainant. The Respondent has never been authorized by the Complainant to register or use the MILLIMAN trademark or to apply to register any domain name incorporating that trademark.

Furthermore, the Complainant states that the Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services, or in a legitimate noncommercial or fair manner as the disputed domain name directs to a parking page showing PPC advertising links to websites purportedly offering services identical or related to those of the Complainant. In support of the Respondent's lack of rights and legitimate interests, the Complainant states that inclusion of the word "login" in the disputed domain name indicates that the Respondent likely intends to use the disputed domain name for phishing or other illegitimate activity, as the combination of the Complainant's MILLIMAN trademark with the word "login" is likely to lead Internet users to believe that they may access their MILLIMAN retirement planning accounts at the website connected with the disputed domain name by entering their MILLIMAN account login information. In addition to all the above, the Complainant states that no actual or contemplated *bona fide* or legitimate use of the disputed domain name could reasonably be claimed by the Respondent, as the MILLIMAN trademark was well known at the time of registration due to the Complainant's extensive use of the mark.

Additionally, the Complainant states that the disputed domain name was registered and is being used in bad faith. Given the Complainant's longstanding, continuous, and extensive use and registration of the MILLIMAN trademark across the world, as well as its ownership of domain names incorporating the MILLIMAN trademark, such as <milliman.com> it is not plausible according to the Complainant that the Respondent could not have been aware of the Complainant at the time of registration of the disputed domain name. This is evidenced by the fact that the Respondent is using the disputed domain name to redirect to a parking page with PPC sponsored links offering services identical or related to those of the Complainant, such as "401k Account" and "Employee Benefits 401k" ("401K" being a term ubiquitously known in the United States as a synonym for "employee retirement plan"). In that sense, the Respondent generates unjustified revenues for each click-through of the sponsored links, thereby illegitimately capitalizing on the Complainant's name and reputation.

Before initiating these UDRP proceedings, the Complainant contacted the Respondent through Registrar's services. In its response, the Respondent offered the disputed domain name for sale USD 2,199. Therefore the Complainant asserts that the Respondent's bad faith is additionally demonstrated by such behavior.

Finally, the Complainant states that reverse Whois search of the Respondent's email address reveals over 31,000 domain names registered by the Respondent, many of which demonstrate that it is the Respondent's common practice to select domain names that incorporate famous and well-known trademarks. On top of that, the Complainant provides evidence that that the Respondent has been involved in at least 26 other UDRP proceedings.

B. Respondent

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

6. Discussion and Findings

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant. "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used by the Respondent in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. A trademark registration provides a clear indication that the rights in the trademark belong to the Complainant (see section 1.2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#))).

The Panel finds that the Complainant has established rights over the MILLIMAN trademark based on evidence of ownership of the trademark registrations, which predate the registration date of the disputed domain name for 20 years.

The Complainant’s trademark MILLIMAN is entirely reproduced in the disputed domain name. Besides MILLIMAN trademark, the disputed domain names consist also of the additional term “login” and the generic Top-Level Domain (gTLD) “.com”. Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) do not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademarks, in accordance with section 1.8 of the [WIPO Overview 3.0](#).

Panel finds that the MILLIMAN trademark is recognizable within the disputed domain name, and therefore, the inclusion of a trademark in the domain name, where the trademark is recognizable within the domain name, is sufficient to satisfy the first element of the Policy as confirmed by the prior UDRP panel in case *Advance Magazine Publishers Inc. v. Arena International Inc.*, WIPO Case No. [D2011-0203](#).

As confirmed in previous decision *Trip.com, Inc. v. Daniel Deamone*, WIPO Case No. [D2001-1066](#), (domain name’s incorporation of a registered trademark in its entirety is sufficient to establish that the domain is identical with or confusingly similar to that mark). The addition of the term “login” does not prevent a finding of confusing similarity, as found in the previous UDRP case *Gemini Trust Company, LLC v. avneesh sharma*, WIPO Case No. [D2022-1324](#).

The disputed domain name also contains the gTLD “.com”. The gTLD in a domain name, such as “.com” in this case, is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test (see section 1.11 of the [WIPO Overview 3.0](#)).

In view of the above, the Panel finds that the Complainant has proven that the disputed domain name is confusingly similar to the trademark in which the Complainant has established rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under this second element of the Policy, a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is generally deemed to have satisfied the second element, as set out in paragraph 4(a)(ii) of the

Policy (see also [WIPO Overview 3.0](#), section 2.1).

Moreover, the Policy provides guidance to respondents on how to demonstrate rights or legitimate interests in the domain name. In particular, paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name, including: (i) use of the domain name “in connection with a *bona fide* offering of goods or services”; or (ii) demonstration that the respondent has been “commonly known by the domain name”; or (iii) “legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue”.

The Panel notes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s MILLIMAN trademark. Furthermore, there is no indication presented before the Panel that the Respondent is commonly known by the disputed domain name. The Respondent did not provide any counterevidence or argument that would indicate any rights or legitimate interests in respect to the disputed domain name.

As mentioned above, the disputed domain name resolves to a parking page with PPC sponsored links to websites offering services identical or related to services of the Complainant. Also, the Complainant contacted the Respondent via the Registrar, and the Respondent in its response offered the disputed domain name for sale to the Complainant for the price of USD 2,199. Additionally, the reverse Whois search of the Respondent’s email address shows that the Respondent has registered over 31,000 domain names, many of which comprise third-party trademarks. The Panel also confirms allegations made by the Complainant that the Respondent has been a party in a number of other UDRP proceedings, all of which were decided against the Respondent. All of the previously described circumstances indicate that the Respondent’s registration of the disputed domain name was made with an intention for commercial gain on the Complainant’s trademark, which appears to be a pattern of the Respondent’s conduct, and therefore the Panel finds that there is no legitimate noncommercial or fair use of the disputed domain name.

In accordance with the above, the Panel finds that the Complainant has made a *prima facie* demonstration of the Respondent’s lack of rights or legitimate interests in respect of the disputed domain name, which has not been rebutted by the Respondent, and that accordingly the requirements of paragraph 4(a)(ii) of the Policy have been met by the Complainant.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a)(iii) of the Policy requires the Complainant to demonstrate that the Respondent registered and is using the disputed domain name in bad faith. The Policy describes several non-exhaustive circumstances demonstrating a Respondent’s bad faith registration and use. Under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when, by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

Having in mind the Complainant’s registrations of the MILLIMAN trademark, the Respondent should have been aware of the existence of prior rights of the Complainant. For that reason, it seems plausible that the Respondent targeted the Complainant and its MILLIMAN trademark when registering the disputed domain name. This conclusion is further strengthened by the fact that the Respondent has used the disputed domain name for directing to a parking page showing PPC sponsored links to websites purportedly offering services identical or related to those of the Complainant (such as “401k Account” and “Employee Benefits 401k”).

Based on the information and the evidence provided by the Complainant, the Panel finds that at the time of registration of the disputed domain name, the Respondent was or should have been aware of the Complainant’s MILLIMAN trademarks, since the Respondent’s registration of the disputed domain name

occurred 20 years after the Complainant's registration of the earliest of its MILLIMAN trademarks. Also, a trademark register search, or even a simple online search prior to the registration of the disputed domain name would have informed the Respondent of the existence of the MILLIMAN trademarks and the Complainant's extensive use of such trademark as a source identifier. Moreover, the structure of the disputed domain name itself, namely the combination of the Complainant's trademark with the descriptive term "login", is such to imply that the Respondent was aware of the Complainant and its goods and services.

After the Complainant's attorney contacted the Respondent through the Registrar's services, it offered the disputed domain name for sale to the Complainant for the price of USD 2,199. The price is likely to be in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name, and this fact is an indication that the Respondent tried to obtain commercial gain on the basis of the disputed domain name.

Further, the Respondent has appears to be engaged in a cybersquatting pattern of conduct indicative of bad faith registration and use of domain names incorporating third-parties' trademarks. A reverse Whois search of the Respondent's email address reveals over 31,000 domain names registered by the Respondent, many of which incorporate famous and well-known trademarks. The Respondent has also been the named respondent in a number of other UDRP proceedings and all of them were decided in favor of complainants.

In accordance with paragraph 3.1.2 of [WIPO Overview 3.0](#), a pattern of abuse is being found where the respondent registers, simultaneously or otherwise, multiple trademark-abusive domain names corresponding to the distinct marks of individual brand owners. Having in mind that the Respondent has registered numerous domain names that incorporate distinctive trademarks of third parties, and also that a number of previous UDRP proceedings were decided against the Respondent, the Panel finds that the Respondent has engaged in a cybersquatting pattern of abuse.

Therefore, the Panel finds that the Complainant has also proven that the Respondent registered and is using the disputed domain name in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

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 <millimanlogin.com> be transferred to the Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: September 11, 2022