

ADMINISTRATIVE PANEL DECISION

Asurion, LLC v. 钱梦聘 (Meng Dan Qian)

Case No. D2023-1070

1. The Parties

The Complainant is Asurion, LLC, United States of America, represented by Adams and Reese LLP, United States of America.

The Respondent is 钱梦聘 (Meng Dan Qian), China.

2. The Domain Names and Registrar

The disputed domain names <assuriontechrepair.com>, <asurionrepairtech.com>, <asuriontechrepa.com>, <asuriontechrepairs.com>, <asuriontechrepar.com>, <asuriontechrepir.com>, <asuriontechtepair.com>, <asuriontecrepair.com> and <wwwasuriontechrepair.com> (the “Disputed Domain Names”) are registered with Cloud Yuqu LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 9, 2023. On March 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On March 13, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 2023 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 in English on March 13, 2023.

On March 13, 2023, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On March 13, 2023, the Complainant submitted a request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 in English and Chinese of the Complaint, and the proceedings commenced on March 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 11, 2023.

The Center appointed Kar Liang Soh as the sole panelist in this matter on April 20, 2023. 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 has been providing insurance, technology, mobile phone replacement, configuration, technical support, IT consultation and related products and services under the trademark ASURION since 2001. The Complainant's products and services are made available by retailers worldwide and have served over 280 million consumers. It has operations in many locations, including North and South America, Europe, Australia, China, Japan, Israel, Malaysia, the Philippines, Singapore, Taiwan Province of China and Thailand.

The Complainant owns many registrations for the trademark ASURION around the world, including the following:

Jurisdiction	Trademark No	Registration Date
China	8809457	December 21, 2011
United States of America	2698459	March 18, 2003
International Registration	1118997	January 11, 2012

The Complainant also holds many domain names incorporating the trademark ASURION, including <asurion.com>, <asuriontechrepair.com>, <asurion.repair>, <asurioncare.com> and <asurion-mobile.com> to name a few. Its principal website operating the domain name <asurion.com> receives about 7.9 million visits annually. The Complainant's website under the domain name <phoneclaim.com> which also features the trademark ASURION receives about 40 million visitors annually. The Complainant has an active social media presence with over 1 million Facebook likes and 27,000 Twitter followers.

The Respondent is an individual. Besides the Whois information of the Disputed Domain Names and the Registrar verification in this proceeding, little else is known about the Respondent.

All of the Disputed Domain Names were registered on April 2, 2022 and resolved to parking webpages with prominent banner links with titles like "Glass Repair Service", "Help Desk Service Provider", "Fix Phone Screen", "Asurion Insurance", "Cell Phone Insurance Plans", and the like. The Complainant sent cease and desist messages to the Respondent via the contact form provided with the Whois records of the Disputed Domain Names on January 3, 2023. The Respondent did not respond to these messages.

5. Parties' Contentions

A. Complainant

The Complainant contends that:

- a) The Disputed Domain Names are identical or confusingly similar to the trademark ASURION. The dominant element of the Disputed Domain Names is the trademark ASURION. They include the phrase "tech repair" or a common misspelling thereof which do not prevent confusing similarity;

- b) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Names. The Respondent's name is not ASURION Tech Repair (or a misspelling thereof) and the Respondent is not commonly known as such. 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 trademark ASURION or to apply for or use any domain name incorporating it (or a misspelling thereof). The Respondent is not using the Disputed Domain Names for *bona fide* offering of goods or services in a legitimate noncommercial or fair manner; and
- c) The Disputed Domain Names were registered and are being used in bad faith. It is not plausible that the Respondent could have been unaware of the Complainant at the time of registering the Disputed Domain Names. The Respondent's choice of slight variations of the Complainant's <asuriontechrepair.com> domain name constitutes typosquatting which evidences bad faith. The Respondent is using the Disputed Domain Names to divert Internet users to commercial parking pages with links related to services offered under the trademark ASURION.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of Proceeding

The language of the Registration Agreement in this proceeding is Chinese. The default language of the proceeding is accordingly Chinese subject to the Panel's authority under paragraph 11(a) of the Rules to determine otherwise having regard to the circumstances of the proceeding.

The Complainant has requested that English be adopted in place of Chinese as the language of proceeding. Having considered the circumstances, the Panel grants the Complainant's request taking into consideration the following factors:

- (a) The Complainant would have to incur disproportionate expenses for translation services and delay proceedings should the language of the proceeding be Chinese;
- (b) The Disputed Domain Names resolve to English-language parking webpages, indicating that the Respondent has an understanding of English;
- (c) The Disputed Domain Names incorporate English words, namely "tech repair" and typographical variants thereof;
- (d) The Complaint has already been submitted in English;
- (e) The Panel is bilingual and would be competent to deal with submissions from both Parties in English and/or Chinese;
- (f) Although the Respondent has been notified in English and Chinese of the language of the proceeding and the commencement of the proceeding, the Respondent has neither objected to the Complainant's request nor participated in the proceedings by filing a Response in either Chinese or English; and
- (g) No procedural benefit would be achieved by maintaining the default language of the proceeding. On the other hand, doing so would cause undue delay to the proceeding.

6.2 Substantive Issues

To succeed in this proceeding, the Complainant is required to establish all three limbs of paragraph 4(a) of the Policy, namely that:

- (a) the Disputed Domain Names are identical or confusingly similar to a trademark in which the Complainant has rights;
- (b) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; and
- (c) the Disputed Domain Names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

In view of the Complainant's registrations for the trademark ASURION, the Panel is satisfied that the Complainant has rights in it. The Panel notes that the Disputed Domain Names differ from the trademark ASURION in the following respects:

Disputed Domain Name	Observations
<assuriontechrepair.com>	Typographical variation of ASURION with "ss" in place of "s", addition of suffix "techrepair"
<asurionrepairtech.com>	Addition of suffix "repairtech"
<asuriontechrepa.com>	Addition of suffix "techrepa" being an obvious typographical misspelling of "techrepair"
<asuriontechrepairs.com>	Addition of suffix "techrepairs"
<asuriontechrepar.com>	Addition of suffix "techrepar" being an obvious typographical misspelling of "techrepair"
<asuriontechrepir.com>	Addition of suffix "techrepir" being an obvious typographical misspelling of "techrepair"
<asuriontehtepair.com>	Addition of suffix "tehtepair" being an obvious typographical misspelling of "techrepair"
<asuriontecrepair.com>	Addition of suffix "tecrepair" being an obvious typographical misspelling of "techrepair"
<wwwasuriontechrepair.com>	Addition of prefix "www", addition of suffix "techrepair"

The trademark ASURION remains highly recognizable in each of the Disputed Domain Names despite the typographical variations and addition of the word "techrepair" (and its typographical misspellings) or "www", which do not prevent a finding of confusing similarity between the trademark ASURION and each of the Disputed Domain Names. As outlined in section 1.11.1 of the WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the generic Top-Level Domain ("gTLD") ".com" should be disregarded in analysing the similarity between the Disputed Domain Names against the trademark ASURION. The Panel does not see any special circumstances in the proceeding which warrant a departure from this consensus view. As such, the Panel holds that the first limb of paragraph 4(a) of the Policy is established in relation to all the Disputed Domain Names.

B. Rights or Legitimate Interests

The Respondent's name is clearly not any of the Disputed Domain Names. There is no evidence before the Panel to suggest that the Respondent could be commonly known by any of the Disputed Domain Names. The Complainant has stated categorically that the Respondent is not a licensee or franchisee and is not authorized to use the trademark ASURION or the Disputed Domain Names. The Panel is persuaded that the webpages resolving from each of the Disputed Domain Names are nothing more than mere parking pages with banner links and are not a legitimate non-commercial or fair use of the Disputed Domain Names. The Complainant has accordingly established a *prima facie* case that the Respondent has no rights or

legitimate interests in all of the Disputed Domain Names. The burden of production having shifted to the Respondent to show otherwise, the Respondent has failed to discharge the burden by failing to submit any Response. The *prima facie* case stands and the second limb of paragraph 4(a) of the Policy is also established.

C. Registered and Used in Bad Faith

Paragraph 4b)(iv) of the Policy provides an example of bad faith registration and use as follows:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.”

Having considered the circumstances, the Panel agrees with the Complainant that the Respondent could not have been unaware of the Complainant or the trademark ASURION. The titles of the banner links on the parking webpages resolved from each of the Disputed Domain Names clearly refer to products and services associated with the Complainant. It is unquestionably obvious to the Panel that the Respondent must have registered the Disputed Domain Names for the purpose of directing traffic to the Respondent’s various parking webpages for commercial gain by creating a likelihood of confusion with the trademark ASURION as to source, sponsorship, affiliation, or endorsement within the meaning of paragraph 4(b)(iv). The Complainant has accordingly demonstrated the Respondent’s bad faith in registration and use the Disputed Domain Names.

In the circumstances, the Panel holds that the Disputed Domain Names are registered and are being used in bad faith within the meaning of the third limb of paragraph 4a) 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 Names <assuriontechrepair.com>, <asurionrepairtech.com>, <asuriontechrepari.com>, <asuriontechrepairs.com>, <asuriontechrepar.com>, <asuriontechrepir.com>, <asuriontechtepair.com>, <asuriontecrepair.com> and <wwwasuriontechrepair.com> be transferred to the Complainant.

/Kar Liang Soh/

Kar Liang Soh

Sole Panelist

Date: May 10, 2023