

ADMINISTRATIVE PANEL DECISION

Partnerre Ltd v. Privacy Protect LLC (PrivacyProtect.org) / Name Redacted
Case No. D2022-1847

1. The Parties

The Complainant is Partnerre Ltd, Bermuda, United Kingdom, represented by AARPI EKV, France.

The Respondent is Privacy Protect LLC (PrivacyProtect.org), United States of America / Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <partnerreholdings.com> is registered with Launchpad.com Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 11, 2022. On May 23, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 23, 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 May 24, 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 May 24, 2022.

The Registrar also indicated that the language of the Registration Agreement was English. The Complaint was filed in French. The Center sent an email communication to the Complainant on May 24, 2022, inviting the Complainant to provide sufficient evidence of an agreement between the Parties for French to be the language of proceeding, a Complaint translated into English, or a request for French to be the language of proceedings. The Complainant filed a request for French to be the language of proceedings on May 24, 2022. The Respondent did not submit any arguments.

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent's name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 in French and in English, and the proceedings commenced on June 3, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 27, 2022.

The Center appointed Andrea Mondini as the sole panelist in this matter on July 5, 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 belongs to a leading reinsurance group of companies, which is active worldwide.

One of the Complainant’s subsidiaries Partner Reinsurance Europe SE, owns numerous trademarks, *inter alia*, the French word mark PARTNERRE (Registration No. 3140086 registered on January 4, 2002 in classes 36 and 38) and the International word mark PARTNERRE (Registration No. 785728 registered on June 25, 2002 in classes 36 and 38).

The Complainant also holds several domain names, including the domain name <partnerre.com> which resolves to its official website “www.partnerre.com”.

The disputed domain name was registered on February 9, 2022.

The disputed domain name resolves to a website purporting to be Partnerre Holdings SA, a subsidiary of the Complainant, and offering financial services.

5. Parties’ Contentions

A. Complainant

The Complainant contends as follows:

The disputed domain name is confusingly similar to the PARTNERRE trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the word “holdings” is not sufficient to avoid confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The mark PARTNERRE is associated with the Complainant, since the trademark PARTNERRE has been extensively used to identify the Complainant and its reinsurance services. The Respondent has not been authorized by the Complainant to use this trademark.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademark PARTNERRE at the time it registered the disputed domain name, since the website to which it resolves features the name and registered office of an affiliate of the Complainant.

The disputed domain name is being used in bad faith because several fraudulent purchase orders for IT equipment have been issued to at least six companies by using the disputed domain name to make such companies believe that the order originated from the Complainant, so that invoices for thousands of euros were received by the Complainant. A further evidence of use in bad faith is that the website to which the disputed domain name resolves is an identical copy of a third party's website, with which the Complainant is not associated.

B. Respondent

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

6. Discussion and Findings

6.1. Language of the Proceeding

In the present case, English is the language of the registration agreement. Pursuant to paragraph 11 of the Rules, unless otherwise agreed by the parties, the default language of the proceeding is the language of the registration agreement, subject to the authority of the panel to determine otherwise.

Paragraph 10 of the Rules vests a panel with authority to conduct the proceedings in a manner it considers appropriate while also ensuring both that the parties are treated with equality, and that each party is given a fair opportunity to present its case.

The Complainant filed the Complaint in French. In its amended complaint of May 24, 2022, the Complainant submitted a request for French to be the language of the proceeding because the disputed domain name resolves to website in French. The Respondent did not comment on this request.

Considering that the registration agreement is in English and that the Complainant, the Respondent and the Registrar are located in English speaking countries, in view of the Panel the mere fact that the disputed domain name resolves to a website in French does not suffice to depart from the rule that the language of the registration agreement is the language of the proceedings. Therefore, the Panel determines that the language of the proceeding is English.

6.2. Substantive Issues

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;
- (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 in bad faith.

A. Identical or Confusingly Similar

The Panel is satisfied that the Complainant has trademark rights for PARTNERRE under the UDRP for purposes of standing to file a complaint.

The Panel notes that the disputed domain name incorporates the PARTNERRE trademark in its entirety. The addition of the descriptive word "holdings" does not prevent a finding of confusing similarity under Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.8.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's mark PARTNERRE.

The first element of paragraph 4(a) of the Policy has been met.

B. Rights or Legitimate Interests

The Complainant states it has not authorized the Respondent to use the trademark PARTNERRE. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

UDRP panels have categorically held that the use of a domain name for illegal activity (impersonation, in this case) can never confer rights or legitimate interests on a respondent.

Furthermore, the nature of the disputed domain name, comprising the Complainant's trademark and the term "holdings", carries a risk of implied affiliation. See [WIPO Overview 3.0](#), section 2.5.1.

The second element of paragraph 4(a) of the Policy has been met.

C. Registered and Used in Bad Faith

Considering that the website to which the disputed domain name resolves features the name and registered office of an affiliate of the Complainant, it is clear that the Respondent registered the disputed domain name with actual knowledge of the Complainant's trademark PARTNERRE. In the circumstances of this case, this is evidence of registration in bad faith.

The Complainant has shown that several fraudulent purchase orders for IT equipment have been issued to at least six companies by using the disputed domain name to make such companies believe that the order originated from the Complainant, so that invoices for thousands of euros were received by the Complainant. Such fraudulent activities clearly constitute use in bad faith.

The Panel thus finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy has been met.

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 <partnerreholdings.com> be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: July 19, 2022