

ADMINISTRATIVE PANEL DECISION

Swiss Life AG and Swiss Life Intellectual Property Management AG v. Atilla Alkan, arac kiralama
Case No. D2023-0311

1. The Parties

The Complainant is Swiss Life AG and Swiss Life Intellectual Property Management AG, both from Switzerland, represented by Domgate, France.

The Respondent is Atilla Alkan, arac kiralama, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <swisslifex.com> is registered with Hostinger, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 24, 2023. On January 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 25, 2023, 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 (Domain Admin, Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 27, 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 on February 1, 2023.

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 February 1, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 21, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 22, 2023.

The Center appointed Federica Togo as the sole panelist in this matter on March 1, 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.

As noted above, the Complaint was filed by both Swiss Life AG and Swiss Life Intellectual Property Management AG, which is a subsidiary of Swiss Life AG and is responsible for managing all intellectual property owned within the group. As set forth in section 4.11.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"): "In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation." Further, previous panels have permitted multiple complainants where, as in the case at issue, one of the complainants holds and/or manages the intellectual property of the other complainant, see, e.g., *Swiss Life AG, Swiss Life Intellectual Property Management AG v. Bilal Brent*, WIPO Case No. [D2020-0476](#); *The Coryn Group II, LLC and AMResorts, L.P. v. Albert Rodriguez*, WIPO Case No. [D2019-2623](#). Therefore, the Panel finds that the complainants have a specific common grievance against the respondent and accept the joint Complaint. Both companies are referred hereinafter as the Complainant.

4. Factual Background

The Complainant is the registered owner of several trademarks worldwide consisting of or containing "Swiss Life", e.g. French trademark registration no. 99823895 SWISS LIFE, registered on November 18, 1999 for services in class 36 (in particular "insurances").

The disputed domain name was registered on January 5, 2023. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name resolved to a web page reproducing almost identically one of the Complainant's official website and visuals requesting the insurance number to Internet users.

Finally, the Complainant sent a cease and desist letter to the Registrant directly or through the technical intermediaries on January 16, 2023. The Respondent did not reply to it.

5. Parties' Contentions

A. Complainant

It results from the Complainant's allegations that it is Switzerland's largest life insurance company and is also a leading provider of life, pensions and financial solutions in Europe and is very well known over the world. For over 160 years it has been helping private and corporate clients prepare their financial future. It was founded in 1857 and entered Swiss stock market in 1997. In 1866, it undertook its first expansion beyond Switzerland by opening a branch in Germany and an agency in Istanbul. The Swiss Life Group operates in Switzerland, Germany and France, and have competency centers in Luxembourg, Liechtenstein and Singapore. The Group employs a workforce of around 9.500 people and has a distribution network of some 15.000 advisors.

The Complainant contends that its trademark SWISS LIFE is distinctive and well-known.

In addition, it uses several domain names containing SWISS LIFE, in particular <swisslife.com>, <swisslife.fr>, <swisslife.ch>, which are used to promote the Complainant's business and related services mainly in the life insurance industry.

The Complainant further contends that the disputed domain name is confusingly similar to the Complainant's well known trademark SWISS LIFE, as the domain name incorporates the entirety of the trademark SWISS

LIFE with the adjunction of the two letters LX (those letters may refer to the country Luxembourg or to nothing), which is not sufficient to prevent the confusing similarity.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, it has never licensed or otherwise authorized the Respondent to use the SWISS LIFE trademarks and the Respondent is not known under the name SWISSLIFE or SWISSLIFE LX and the disputed domain name is neither used in connection with a *bona fide* offering of goods or/and services nor constitutes a legitimate non-commercial fair use. In fact, the webpage attached to the domain name was a copy of the Complainant official website. The redirection on the litigious website was cancelled just after the filing of the Complaint. If one looks closely at the website one realizes that only the homepage belongs to the owner of the domain name and has <swisslifelx.com> in its URL address. Each time one clicks on a link one is redirected (without noticing it) on an official webpage of “www.swisslife.com” or “www.swisslife.ch” websites. On the false homepage, the internaut is asked to give his insurance number. The Respondent is clearly having an illegal activity with the domain name, probably phishing, trying to collect personal and banking data. The fact that the Respondent copied the Complainant’s website clearly proves that he has known the Complainant and their trademarks and wants to make financial gain with this domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant submits that the Respondent could not have ignored the existence of the well-known SWISSLIFE Group and of the SWISS LIFE trademarks, when he registered the disputed domain name. Indeed, the Respondent chose a very well-known insurance trademark and made a copy of the website and links to official webpages.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “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”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that the disputed domain name be transferred or cancelled:

- (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 in bad faith.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

A. Identical or Confusingly Similar

Pursuant to paragraph 4(a)(i) of the Policy, the Complainant must establish rights in a trademark or service mark and secondly establish that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights.

It results from the evidence provided that the Complainant is the registered owner of several trademark registrations containing or consisting of the term SWISS LIFE. Reference is made in particular to French trademark registration no. 99823895 SWISS LIFE, registered on November 18, 1999 for services in class 36 (in particular “insurances”).

Prior UDRP panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety (see [WIPO Overview 3.0](#) at section 1.7).

This Panel shares this view and notes that the Complainant's registered trademark SWISS LIFE is fully included in the disputed domain name, followed by the letters "lx". Furthermore, it is the view of this Panel that the addition of the letters "lx" in the disputed domain name cannot prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark since the Complainant's trademark is clearly recognizable in the disputed domain name (see [WIPO Overview 3.0](#) at section 1.8).

Finally, the generic Top-Level Domain ("gTLD") ".com" of the disputed domain name may be disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#) at section 1.11.1).

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must secondly establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Paragraph 4(c) of the Policy contains a non-exhaustive list of circumstances which, if found by the Panel to be proved, shall demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

In the Panel's view, based on the undisputed allegations stated above, the Complainant has made a *prima facie* case that none of these circumstances are found in the case at hand and, therefore, that the Respondent lacks rights or legitimate interests in the disputed domain name.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondent and did, in particular, not authorize the Respondent's use of the trademark SWISS LIFE, *e.g.*, by registering the disputed domain name comprising the said trademark entirely.

Furthermore, the Panel notes that there is no evidence showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Moreover, the nature of the disputed domain name carries a risk of implied affiliation, since the disputed domain name contains the Complainant's trademark SWISS LIFE followed by the letters "lx", which correspond to the geographical abbreviation for Luxembourg. Geographic terms are seen as tending to suggest sponsorship or endorsement by the trademark owner, see [WIPO Overview 3.0](#), section 2.5.1. Moreover, the use of the disputed domain name affirms such risk.

It is acknowledged that once the panel finds a *prima facie* case is made by a complainant, the burden of production under the second element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name (see [WIPO Overview 3.0](#) at section 2.1). Since the Respondent in the case at hand failed to come forward with any allegations or evidence, this Panel finds, in the circumstances of this case, that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant has therefore satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must thirdly establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, "in particular but without limitation", be evidence

of the disputed domain name's registration and use in bad faith. One of these circumstances is that the Respondent by using the disputed domain name, 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 mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

It is the view of this Panel that these circumstances are met in the case at hand.

Based on the evidence submitted by the Complainant, the Panel shares the view of other UDRP panels and finds that the Complainant's trademark SWISS LIFE is well known.

Registration of the disputed domain name which is confusingly similar to the Complainant's well known trademark (since it incorporates the trademark SWISS LIFE in its entirety plus a geographical term), by an unaffiliated entity by itself creates a presumption of bad faith, see [WIPO Overview 3.0](#) at section 3.1.4. Finally, the further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark, including (i) the lack of a respondent's own rights to or legitimate interests in a domain name, (ii) redirecting the domain name to a different respondent-owned website, which reproduced almost identically one of the Complainant's official websites and visuals requesting the insurance number in order to obtain sensitive or confidential information from Internet users, (iii) further redirecting by clicking on links present in the home page to the Complainant's official websites and (vi) absence of any conceivable good faith use.

In the light of the above the Panel finds that the disputed domain name has been registered and is being used in bad faith pursuant to 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 <swisslifex.com> be transferred to the Complainant.

/Federica Togo/

Federica Togo

Sole Panelist

Date: March 15, 2023