

## **ADMINISTRATIVE PANEL DECISION**

Asurion, LLC v. any name  
Case No. D2023-0955

### **1. The Parties**

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

The Respondent is any name, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <asuiiron.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 3, 2023. On March 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 3, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 6, 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 the same day.

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 March 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 5, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 11, 2023.

The Center appointed Steven Auvil as the sole panelist in this matter on April 25, 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 Asurion, LLC is a Delaware limited liability company, with headquarters in Nashville, Tennessee, United States. According to the Complaint, the Complainant offers insurance, technology, mobile phone replacement, configuration, technical support, IT consultation, and related services, serving over 280 million consumers worldwide. The Complainant has fourteen locations in North and South America, two locations in Europe, two locations in Australia, and ten locations in Asia, including China, Japan, Israel, Malaysia, the Philippines, Singapore, Taiwan Province of China, and Thailand. The Complainant has been active since 1994 and has used the ASURION mark since 2001. The Complainant also advertises and sells its products and services through its "Asurion.com" website and related websites, as well as through print media and other advertising and promotional campaigns.

The Complainant owns registered marks for the ASURION brand, including United States Registration No. 2698459 (registered March 18, 2003), United States Registration No. 4179272 (registered July 24, 2012), United States Registration No. 4314110 (registered April 2, 2013), United States Registration No. 4997781 (registered July 12, 2016), and United States Registration No. 6010609 (registered March 17, 2020). The Complainant also owns the following domain names incorporating the ASURION mark: <asurion.biz>; <asurion.co>; <asurion.com>; <asurion.net>; <asurion.org>; <asurion.repair>; <asurion.support>; <asurioncare.com>; <asurionclaim.com>; <asurioninsurance.com>; <asurion-mobile.com>; <asurionphoneclaim.com>; <asurionphoneclaims.com>; <asurionservices.com>; <asurionsetup.com>; <asurionsupport.com>; <replacementasurion.com>; <myasurionbenefits.com>; and <myasurionlife.com>.

The Complainant first learned of the disputed domain name on March 2, 2023, when the Complainant was contacted by a customer to determine whether a payment request the customer received from the disputed domain name was legitimate.

The disputed domain name was registered on March 1, 2023. Both at the time of submitting the Complaint and at the time of writing this Decision, the disputed domain name resolved to an inactive website and the web browser returned a message "This site can't be reached."

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant alleges that the disputed domain name is confusingly similar to its ASURION mark because the disputed domain name incorporates the Complainant's entire ASURION mark, only with an addition of a second letter "i" and the reversal of the letters "ri" in the ASURION mark. The Complainant alleges that the disputed domain name is virtually identical in appearance of the ASURION mark and represents an obvious misspelling of the ASURION mark that is insufficient to distinguish the disputed domain name from the Complainant's ASURION mark.

The Complainant also asserts that the Respondent has no rights or legitimate interests in the disputed domain name because "asuiiron" is not the Respondent's name and the Respondent has never been commonly known by the disputed domain name. Additionally, the Respondent is not and has never been a licensee or franchisee of the Complainant, nor has the Complainant authorized the Respondent to register or use the Complainant's ASURION mark or to apply for or use any domain name incorporating the mark or a confusingly similar domain name.

Furthermore, the Complainant alleges 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. The Complainant alleges that the Respondent is using the disputed domain name in furtherance of a scheme to defraud the Complainant's customers, specifically by using email addresses at the disputed domain name to impersonate the Complainant's employees and to send falsified payment instructions to at least one of the Complainant's customers. Additionally, the Complainant asserts that the disputed domain name does not resolve to an active website.

Finally, the Complainant asserts that the Respondent registered the disputed domain name in bad faith because given the global trademark registrations for the ASURION mark, the Complainant's numerous domain names incorporating the ASURION mark, including <asurion.com>, the Complainant's fame and international reputation, and the fact that the ASURION is a coined and highly distinctive mark universally associated with the Complainant. Because of this, the Complainant contends, it is not plausible that the Respondent could have been unaware of the Complainant at the time of registration. Further, the Respondent used the disputed domain name to impersonate the Complainant's employees by sending emails purporting to be from the Complainant, with the intention of fraudulently procuring the transfer of money. In doing so, according to the Complainant, the Respondent registered the disputed domain name for commercial gain, and to trade on the Complainant's goodwill and reputation, and may have violated criminal laws in the process which constitutes bad faith.

The Complainant requests that the disputed domain name be transferred to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 15(a) of the Rules: "[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". Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following to obtain relief:

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

In view of the Respondent's failure to submit a Response, the Panel renders this Decision based on the Complainant's undisputed allegations, pursuant to paragraphs 5(f), 14(a), and 15(a) of the Rules, and draws such inferences it considers appropriate, pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept as true allegations set forth in the Complaint, unless the evidence is clearly contradictory, and to derive reasonable inferences from the evidence presented. See *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#).

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the undisputed allegations and evidence contained in the Complaint and reasonable inferences drawn from the evidence.

### **A. Identical or Confusingly Similar**

The Complainant is the owner of several registered trademarks for the well-known ASURION brand, noted above. The Panel therefore finds that the Complainant has rights in the ASURION marks. Section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")

states that “[a] domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark”. See also *BHP Billiton Innovation Pty Ltd v. ND Invest LTD, Name Admin*, WIPO Case No. [D2010-0672](#) (finding that an additional letter “l” does not negate a finding of confusing similarity); and *trivago GmbH v. Nomads/Perminder (David) Marin-Pache*, WIPO Case No. [D2014-0542](#) (finding that when the letter “i” is omitted between “r” and “v” and the letter “l” added between “v” and “a” it does not negate a finding of confusing similarity).

Here, the disputed domain name incorporates the Complainant’s entire ASURION mark only with typographical errors in which the letter “i” between “r” and “o” is omitted and the two “i”s are added between the letter “u” and “r” followed by the generic Top-Level Domain (“gTLD”) “.com”. As noted above, the aforementioned typographical errors in the disputed domain name do not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.9.

Additionally, as set forth in section 1.11.1 of the [WIPO Overview 3.0](#), the applicable gTLD (e.g., “.com”, “.site”, “.info”, “.shop”) “is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”.

Therefore, the Panel finds that the Complainant has proven that the disputed domain name is confusingly similar to the Complainant’s marks. As such, the first element of paragraph 4(a) of the Policy is met.

## **B. Rights or Legitimate Interests**

From the Complainant’s allegations and evidence, as well as the inferences drawn from the evidence, the ASURION mark is distinctive and well-known marks registered by the Complainant. The Complainant has operated its business for decades and did not license or otherwise authorize the Respondent’s use of the ASURION mark. The Complainant has no affiliation, association, sponsorship, or connection with the Respondent. Therefore, the Panel finds that the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Section 2.1 of the [WIPO Overview 3.0](#) provides that “where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element”.

Here, the Respondent did not respond to the Complaint and thus has failed to rebut the *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. Moreover, Panels have held that the use of a domain name for illegal activity (e.g., phishing, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13. Such illicit conduct is at issue here, considering the demonstrated use of the disputed domain name for a fraudulent email scheme. Specifically, the Respondent impersonated the Complainant in an attempt to deceive the Complainant’s customer into sending the Respondent a payment it was not entitled to. Accordingly, the Panel finds that the Respondent in fact has no rights or legitimate interests in the disputed domain name and that the second element of paragraph 4(a) of the Policy is satisfied.

## **C. Registered and Used in Bad Faith**

Section 3.1.4 of the [WIPO Overview 3.0](#) provides that “[p]anel have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith”. Additionally, section 3.2.1 of the [WIPO Overview 3.0](#) provides that “[p]articular circumstances panels may take into account in assessing whether the respondent’s registration of a domain name is in bad faith include: (i) the nature of the domain name

(e.g., a typo of a widely-known mark, or a domain name incorporating the complainant's mark plus an additional term such as a descriptive or geographic term, or one that corresponds to the complainant's area of activity or natural zone of expansion); [...] (vi) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name, or (viii) other indicia generally suggesting that the respondent had somehow targeted the complainant".

Here, as noted above, the disputed domain name incorporates the entirety of the Complainant's registered ASURION mark with a single misspelling of an element of the mark, namely the typographical errors in which the letter "i" between "r" and "o" is omitted and the two "i"s are added between the letter "u" and "r". This alone is evidence of registration in bad faith. See *Klarna Bank AB v. Super Privacy Service LTD c/o Dynadot / Jeff Weller, Think 7 Inc.*, WIPO Case No. [D2021-1590](#) (stating that typo squatting through the interchange of letters is in and of itself evidence of use in bad faith); and *ZB, N.A., dba Zions First National Bank v. Travis Smith, Lexq Media Inc.*, WIPO Case No. [D2016-2404](#) (finding that the intentional misspelling of the complainants mark, i.e. typo squatting cannot be considered fair use nor a legitimate noncommercial or fair use of a domain name).

Moreover, the evidence demonstrates that the Respondent was using the disputed domain name in connection with fraudulent activities. Indeed, the Respondent's use of the disputed domain name confusing similar to the Complainant's ASURION mark was meant to impersonate the Complainant to obtain payments from the Complainant's customers. This use is calculated to mislead these customers and creates a significant risk of confusion. Through the inclusion of the Complainant's entire ASURION mark in a misspelled form, use of the Complainant's former employee's actual name, and the Complainant's official headquarters address, the Panel finds that the Respondent had the Complainant's mark in mind when registering the disputed domain name, evidencing bad faith. *Hostelworld.com Limited v. Manlidy, GNN*, WIPO Case No. [D2022-3641](#).

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith and that the third element of paragraph 4(a) of the Policy is satisfied.

## 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, <asuiiron.com>, be transferred to the Complainant.

*/Steven Auvil/*

**Steven Auvil**

Sole Panelist

Date: May 9, 2023