

ADMINISTRATIVE PANEL DECISION

Aetna Inc. v. Sebastian -Santos, atena
Case No. D2024-2850

1. The Parties

The Complainant is Aetna Inc., United States of America (“U.S.”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, U.S.

The Respondent is Sebastian Santos, atena, U.S.

2. The Domain Name and Registrar

The disputed domain name <aetnas.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 18, 2024. On July 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 19, 2024, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 22, 2024 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 amendment to the Complaint on July 22, 2024.

The Center verified that the Complaint together with the amendment to the 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 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 16, 2024.

The Center appointed Nicolas Ulmer as the sole panelist in this matter on August 26, 2024. 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 is a very large and well-known company providing insurance products and other services. The Complainant was founded more than 150 years ago, and is presently part of a large publicly-traded group.

The Complaint documents that the Complainant holds (directly and through its parent company) numerous registrations for the AETNA Trademark, including:

- U.S. Reg. No. 1,939,424 (first used in commerce December 31, 1905); registered December 5, 1995;
- U.S. Reg. No. 1,939,423 (first used in commerce February 1, 1982); registered December 5, 1995; and
- European Union Reg. No. 000178442 (registered January 8, 1999).

The Complainant operates a website at “www.aetna.com”.

Little is known about the Respondent who did not answer the Complaint, but who as set forth below is accused of being involved in illegal phishing-type activities.

The disputed domain name was registered on July 9, 2024.

The disputed domain name does not currently resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its trademarks and this notwithstanding the addition of two letters to the AETNA trademark. Secondly, the Complainant confirms that it has never in any way authorised the Respondent to make any use of its trademarks and has no right or legitimate interest to do so. This is all the more true as the Complainant alleges and documents an illegitimate use of the disputed domain name in connection with a fraudulent scheme to collect money from insurance claims. Consequently, the disputed domain name can only be found to have been registered and used in bad faith.

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

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name contains the entirety of the Complainant's AETNA trademark, albeit interspersed with the letter “i” and with an “s” at the end of the operative portion. These additions appear to be deliberate

misspellings and do not dispel possible confusion with the Complainant's trademarks, or here prevent a finding of confusing similarity. Furthermore where, as in the instant case, a domain name incorporates the entirety of a trademark the domain name will generally be found to be confusingly similar. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), at section 1.7. The Panel here finds the disputed domain name to be confusingly similar to the Complainant's trademarks. The Panel is comforted in this view by the fact, discussed in connection with the third element below, that the Respondent did in fact make use of the disputed domain name to imitate the Complainant as part of a fraudulent scheme.

The Panel thus finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant makes clear that it has not licensed or granted permission to the Respondent to use its trademarks and that it does not believe the Respondent is using the disputed domain name in connection with any bona fide offering of goods or services. Quite to the contrary the Complainant asserts and documents that the Respondent has made use of the disputed domain name in connection with illegal and fraudulent activity, as further described in the section below; such activity cannot confer rights or legitimate interests.

There is furthermore nothing in the file of this case that suggests that the Respondent is known by the name "aeitnas."

It is in any event well-established in UDRP case law and jurisprudence that a complainant needs to demonstrate at least a prima facie case that the respondent has no rights or legitimate interests in respect of the disputed domain name see *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#). Where such a prima facie case is made, the burden shifts to the respondent to demonstrate its rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy see also, *Meizu Technology Co., Ltd. v. "osama bin laden"*, WIPO Case No. [DCO2014-0002](#); *H & M Hennes & Mauritz AB v. Simon Maufe, Akinsaya Odunayo Emmanuel and Nelson Rivaldo*, WIPO Case No. [D2014-0225](#); [WIPO Overview 3.0](#), section 2.1.

Here the Respondent has not answered the Complaint and the Complainant has established at least such a prima facie case; the Complainant has therefore met its burden of proof under paragraph 4(a)(ii) of the Policy.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

It was above determined that the disputed domain name is confusingly similar to the Complainant's trademarks notwithstanding the, apparently deliberate, misspelling created by adding two letters. The registration of a domain name that is confusingly similar to a well-known trademark can itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.3. The operative part of the disputed domain name – aeitnas - has no independent meaning and cannot logically have been chosen by serendipity but must rather be presumed to have been registered for a bad faith purpose. See generally, *Western Union Holdings v. Manuel Rodriguez*, WIPO Case No. [D2006-0850](#). See also, *OSRAM GmbH v. Azarenko Vladimir Alexeevich*, WIPO Case No. [D2016-1384](#).

This presumption is here confirmed by the bad faith use to which the disputed domain name was put. The Complainant alleges and documents that the disputed domain name was used in connection with a business email compromise (BEC) scam. Specifically, the Respondent made use of the disputed domain name not to set up a website but to set up an email using a (slightly misspelled and corresponding to the name of the Respondent here) name of a real employee of the Complainant. Thereupon emails impersonating the

Complainant's employee were sent in an apparent fraudulent attempt to collect monies arising from insurance claims.

The Panel accordingly finds the Respondent's registration and use of the disputed domain name was in bad faith and that the Complainant has therefore established the third element 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 <aeitnas.com> be transferred to the Complainant.

/Nicolas Ulmer/

Nicolas Ulmer

Sole Panelist

Date: September 9, 2024