

## **ADMINISTRATIVE PANEL DECISION**

Manulife (The Manufacturer's Life Insurance Company) v.  
Eli Weffer, Manulife Pro  
Case No. D2024-4974

### **1. The Parties**

The Complainant is Manulife (The Manufacturer's Life Insurance Company), Canada, represented by ZeroFox, United States of America ("United States").

The Respondent is Eli Weffer, Manulife Pro, United States.

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

The disputed domain name <manulife.pro> is registered with Hostinger Operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 2, 2024. On December 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 4, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 December 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 27, 2024.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on January 2, 2025. 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 multinational insurance company and financial services provider headquartered in Toronto, Canada. It has been operating for over a century, and currently serves over 26 million customers worldwide. It is one of the largest insurance companies in Canada, with approximately 38,000 employees and CAD 1.4 trillion assets under management.

The Complainant operates under the MANULIFE mark, and owns multiple registered trademarks for this brand, including Canadian Trademark Registration No. TMA385240, MANULIFE, registered on May 31, 1991, in Classes 9, 16, 35, 36, 37, 41, and 44, (hereinafter the “MANULIFE mark”).

Prior decisions under the Policy have recognized the international reputation of the MANULIFE mark.<sup>1</sup>

The Complainant operates its corporate website via the domain names <manulife.com> (registered on February 14, 1994), and <manulife.ca> (registered on October 13, 2000).

The disputed domain name was registered on June 28, 2024, and it resolves to a parking page of the hosting provider Hostinger.

According to the evidence provided by the Complainant, the disputed domain name has been used to send email communications impersonating the Complainant. Exhibit 3 of the Complaint shows email correspondence sent using the disputed domain name to forward an allegedly fraudulent e-cheque as well as a job offer letter that included the MANULIFE mark at its heading and the website “www.manulife.ca” at its footer.

#### 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 wholly incorporates the MANULIFE mark with no alterations, so it is identical to this mark.

The Complainant further contends no evidence suggests the Respondent has any rights or legitimate interests in the disputed domain name. The Complainant has not authorized, licensed or otherwise permitted the Respondent to use its trademark or to imply any connection between the Parties, and the disputed domain name does not resolve, nor is there any record of hosted content on the disputed domain name. There is also no evidence of any other businesses that commonly go by the name “Manulife” or operate a brand or trade name related to it, and the disputed domain name has been used to impersonate the Complainant in a fraudulent email correspondence scheme.

The Complainant finally contends the disputed domain name was registered and has been used in bad faith. The incorporation of the Complainant's reputed mark with no alteration in the disputed domain name establishes bad faith at the time of registration. The lack of content hosted at the disputed domain name, and its use to impersonate the Complainant in a fraudulent email correspondence scheme corroborates the Respondent bad faith and its intention to disrupt the Complainant's business and reputation for its own financial gain. The use of a privacy service indicates the Respondent may not likely be working in a legal capacity and could be an intended shield in the course of any subversive action.

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<sup>1</sup>See, e.g., *The Manufacturers Life Insurance Company v. Perry Wong*, WIPO Case No. [D2017-1542](#); or *The Manufacturers Life Insurance Company v. Jack Zhang*, WIPO Case No. [D2021-3444](#).

## **B. Respondent**

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

## **6. Discussion and Findings**

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, inter alia, in paragraph 10 of the Rules.

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, namely the MANULIFE mark. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Therefore, the Panel finds the first element of the Policy has been established.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds nothing in the record suggests the Respondent has any rights or legitimate interests in respect of the disputed domain name. The Panel notes that the Respondent has used "Manulife Pro" as the organization name when registering the disputed domain name. The Panel finds that using such name cannot confer any rights or legitimate interests on the Respondent under the circumstances of the case. On the contrary, this demonstrates the Respondent's intention to deceive Internet users or the recipients of the emails sent from the disputed domain name into believing that the disputed domain name is owned and used

by the Complainant.

Furthermore, the Panel finds the use of the disputed domain name for sending emails and job offer letters that impersonated the Complainant, in which the MANULIFE mark as well as the Complainant's official website at "www.manulife.ca" were prominently included, is clearly an illegal activity that cannot be considered a bona fide offering of goods or services under the Policy. Panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, the Panel finds the second element of the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the disputed domain name incorporates the MANULIFE mark identically and the Panel notes the MANULIFE mark has an established reputation. The Complainant has been using this trademark for decades internationally and it is well-known in multiple jurisdictions, particularly in Canada and in the United States where the Respondent is located according to the Registrar verification. Therefore, the Complainant's trademark was well-known amongst consumers well before the date of registration of the disputed domain name on June 28, 2024.

The Panel finds the Respondent knew of the Complainant and its trademark and deliberately registered the disputed domain name in bad faith. The use of the disputed domain name for sending fraudulent communications that impersonated the Complainant and prominently included the MANULIFE mark with the same graphic representation and logo used by the Complainant, as well as the Complainant's corporate website "www.manulife.ca", indicates the Respondent's knowledge of the Complainant and bad faith.

Panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Additionally, the Panel is also entitled to draw an adverse inference from the failure of the Respondent to respond to the Complaint and to the factual allegations made by the Complainant.

Accordingly, the Panel finds that the Complainant has 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 <manulife.pro> be transferred to the Complainant.

*/Reyes Campello Estebarez/*

**Reyes Campello Estebarez**

Sole Panelist

Date: January 10, 2025