

ADMINISTRATIVE PANEL DECISION

Assurant, Inc. v. Danielle Frazier, Assurant realty
Case No. D2025-1709

1. The Parties

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

The Respondent is Danielle Frazier, Assurant realty¹, United States.

2. The Domain Name and Registrar

The disputed domain name <assurantrentals.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 April 29, 2025. On April 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 29, 2025, 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 / Assurant realty) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 30, 2025, 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 May 1, 2025.

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

¹ The Complainant requested that the Panel redact the name of the Respondent, arguing that the name “Assurant realty” is a fabricated name used by the Respondent in an attempt to evade the Policy. While redaction would be appropriate in a case of suspected identity theft, such as where the Respondent used the name of a real person without their knowledge or permission, in the present case the Complainant has not presented evidence of identity theft. Therefore, the Panel finds that redaction of the Respondent’s name is not necessary and declines to redact the Respondent’s name.

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 May 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 23, 2025.

The Center appointed Michelle Brownlee as the sole panelist in this matter on May 28, 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 United States corporation, organized under the laws of the state of Delaware, that is a global provider of risk management solutions for the auto, lifestyle and housing protection sectors. The Complainant has been providing services under the ASSURANT mark since at least as early as August 19, 1999.

The Complainant owns numerous registrations for the ASSURANT mark in jurisdictions throughout the world, including the following:

- United States registration number 2543367 for ASSURANT in connection with services in international classes 35 and 36, registered on February 26, 2002;
- Canada registration number TMA594423 for the ASSURANT mark in connection with services in international classes 35, 36 and 41, registered on November 12, 2003; and
- European Union registration number 4379079 for the ASSURANT mark in connection with services in international classes 35 and 36, registered on November 20, 2006.

The Complainant also owns the domain names <assurant.com> and <assurantrenters.com> and uses them to operate web sites associated with its business.

The disputed domain name was registered on September 4, 2024. The web site associated with the disputed domain name is a page that displays the disputed domain name and the following text: “We’re under construction. Please check back for an update soon.”

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 ASSURANT mark and that the disputed domain name is particularly confusing in light of the Complainant’s use of a very similar domain name, <assurantrenters.com>. The Complainant argues that the Respondent has no rights to or legitimate interests in the disputed domain name. The Complainant contends that the Respondent has fabricated the name “Assurant realty” for the purpose of evading the Policy. The Complainant argues that the disputed domain name has been registered and is being used in bad faith. The Complainant provided evidence that the disputed domain name has been set up with Mail Exchange (“MX”) records, which allow

the Respondent to send and receive emails from the disputed domain name and noted that a security services vendor reported that the disputed domain name is associated with phishing activities.

B. Respondent

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

6. Discussion and Findings

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. [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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, "rentals", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 Respondent's organization name confirmed by the Registrar for the disputed domain name is "Assurant realty", however, this fact alone is not enough to establish rights or legitimate interests. The Panel finds that it is likely that the Respondent adopted this name in order to benefit from confusion with the Complainant, which cannot give rise to rights or legitimate interests.

The Complainant has submitted evidence that at least one security vendor has reported that the disputed domain name is associated with phishing activities, according to a report from a service that analyzes files and URLs for viruses, worms, trojans and other kinds of malicious content. Panels have held that the use of a domain name for illegitimate activity, here, suspected phishing or some other type of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 Panel notes that the Respondent created MX records that would enable the Respondent to send and receive emails from the disputed domain name for the likely purpose of phishing or committing some other type of fraud.

Panels have found that the non-use of a domain name (including “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, the composition of the disputed domain name, the choice of organization name when registering the disputed domain name and finds and the unlikelihood of any good faith use of the disputed domain name by the Respondent, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <assurantrentals.com> be transferred to the Complainant.

/Michelle Brownlee/

Michelle Brownlee

Sole Panelist

Date: June 9, 2025