

ADMINISTRATIVE PANEL DECISION

The Prudential Insurance Company of America v. Domain Sales - (Expired domain caught by auction winner) c/o Dynadot
Case No. D2022-3804

1. The Parties

The Complainant is The Prudential Insurance Company of America, United States of America (“United States”), represented by Culhane Meadows PLLC, United States.

The Respondent is Domain Sales - (Expired domain caught by auction winner) c/o Dynadot, United States.

2. The Domain Name and Registrar

The disputed domain name <prudentialstages.com> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 11, 2022. On October 12, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 12, 2022, 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 October 26, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 15, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 18, 2022.

The Center appointed Evan D. Brown as the sole panelist in this matter on November 24, 2022. 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 provider of insurance and other financial products. It owns the trademark PRUDENTIAL which it has registered in many jurisdictions, including the United States (e.g., Reg. No. 693628, registered on February 23, 1960). According to the Whois records, the disputed domain name was registered on August 18, 2022, just three days after the Complainant filed a trademark application in the United States to register the mark PRUDENTIAL STAGES (Serial No. 97549271, filed on August 15, 2022).

The disputed domain name redirects to a web page regarding the Registrar's domain brokering services.

The Complainant also introduced evidence – several other UDRP decisions – that the Respondent has a history of trademark-abusive domain name registrations.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (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 finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. This requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the PRUDENTIAL mark by providing evidence of its trademark registrations.

The disputed domain name incorporates the PRUDENTIAL mark in its entirety with the word "stages" which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's PRUDENTIAL mark. See [WIPO Overview 3.0](#), section 1.8. The PRUDENTIAL mark remains sufficiently recognizable for a showing of confusing similarity under the Policy.

The Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a

prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that:

- The Respondent has not used the disputed domain name in connection with any *bona fide* offering of goods or services. This is shown from the timing of the registration of the disputed domain name registration (three days after the Complainant's trademark application filing date) and the Respondent's history of trademark-abusive domain name registrations.
- The Respondent is not commonly known by the disputed domain name and has not acquired any trademark or service mark rights in the PRUDENTIAL name or mark.
- The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel finds that the Complainant has made the required *prima facie* showing. The Respondent has not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondent's favor.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

Because the PRUDENTIAL mark is so well known, it is implausible to believe that the Respondent was not aware of it when it registered the disputed domain name. In the circumstances of this case, the mere registration of a domain name that is confusingly similar to a well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith registration of the disputed domain name. *Government Employees Insurance Company v. Joel Rosenzweig, RegC*, WIPO Case No. [D2021-1221](#). More specific evidence of targeting of the Complainant is shown in the fact that the Respondent registered the disputed domain name just three days after the Complainant filed a trademark application for a mark containing the very same words as those contained in the disputed domain name.

The Panel also finds that the Respondent used the disputed domain name in bad faith. The Complainant asserts several arguments in favor of bad faith use. Among the most compelling bases for bad faith use is the fact that the Respondent set up the disputed domain name to redirect to the Registrar's domain brokering service. This indicates a bad faith intent to profit from a sale of the disputed domain name, which, as discussed above, is confusingly similar to the Complainant's well-known PRUDENTIAL mark.

For these reasons, the Panel finds that the Complainant has met this third Policy element.

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, <prudentialstages.com>, be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: December 8, 2022