

## **ADMINISTRATIVE PANEL DECISION**

Amerisure Mutual Insurance Company v. Tristian Garrett, TristianBits  
Case No. D2023-2135

### **1. The Parties**

Complainant is Amerisure Mutual Insurance Company, United States of America, represented by Dykema Gossett PLLC, United States of America.

Respondent is Tristian Garrett, TristianBits, United States of America.

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

The disputed domain name <amerisure-okta.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 15, 2023. On May 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 15, 2023, the Registrar transmitted by email to the Center its verification response confirming that 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 Respondent of the Complaint, and the proceedings commenced on May 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 11, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on June 14, 2023.

The Center appointed Timothy D. Casey as the sole panelist in this matter on June 26, 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

Complainant, headquartered in the United States of America, provides and has provided a wide range of insurance underwriting services in all 50 states under the AMERISURE trademark since at least 1984. Complainant has been in the insurance business for more than 110 years. Complainant is the owner of numerous trademark registrations that include “AMERISURE” as the trademark or as part of the trademark (the “AMERISURE Marks”), including the following:

Mark	Jurisdiction	Class(es)	Registration No.	Registration
AMERISURE and Design	United States of America	36	1343264	June 18, 1985
AMERISURE	United States of America	36	1343265	June 18, 1985
AMERISURE and Design	United States of America	35, 36, 41, 42, 45	5688958	March 5, 2019
AMERISURE	United States of America	35, 36, 41, 42, 45	5688957	March 5, 2019
AMERISURE SURETY	United States of America	36	7032648	April 18, 2023

The disputed domain name was registered on April 9, 2023.

Complainant provided evidence showing that the disputed domain name is identified by numerous popular browsers with a warning screen indicating that the website associated with the disputed domain name is deceptive. The Panel accessed the warning screen and selected the “Details” button to see what type of deceptive activity was involved, and the Google Chrome browser provided that “Google Safe Browsing recently detected phishing on the [disputed domain name]”.

#### 5. Parties’ Contentions

##### A. Complainant

Complainant contends that the disputed domain name wholly incorporates the AMERISURE Marks and is confusingly similar to the AMERISURE Marks. Complainant contends that the generic Top-Level Domain (“.com”) of the disputed domain name is not an element of distinctiveness. Complainant further contends that the additional word “okta” refers to an employee identity management and user authentication portal and is therefore merely generic and does nothing to eliminate the similarity between the AMERISURE Marks and the disputed domain name. Rather, Complainant suggests that the combination of the AMERISURE Marks with the word “okta” serves to confuse Internet users as it is very similar to the <amerisure.okta.com> domain name that is legitimately used by Complainant’s employees for identification and user authentication. Complaint therefore contends that is likely that the disputed domain name is being used to fool Complainant’s employees and/or customers for phishing and other nefarious purposes.

Complainant contends that Respondent is not licensed to use the AMERISURE Marks nor is Respondent commonly known by the AMERISURE Marks. Complainant contends there is no evidence of Respondent’s use, or preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services. Complainant asserts that Respondent’s use of the disputed domain name to impersonate or suggest sponsorship or affiliation with Complainant was not *bona fide*. Complainant further contends that there is no evidence that Respondent is making a legitimate non-commercial or fair use of the disputed domain name.

Complainant contends that Respondent registered the disputed domain name for the purpose of disrupting Complainant’s business by creating a likelihood of confusion with the AMERISURE Marks as to the source,

sponsorship, affiliation or endorsement of Respondent's website, and to generate traffic to Respondent's website for commercial gain. Complainant also contends Respondent could use the disputed domain name to spoof email addresses for nefarious reasons.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

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

Complainant's use of the AMERISURE Marks for almost 40 years and registrations for the same are more than sufficient to establish that Complainant has trademark rights in the AMERISURE Marks prior to registration of the disputed domain name.

Complainant contends that the disputed domain name is confusingly similar to the AMERISURE Marks.

Given that Complainant's AMERISURE Marks are recognizable in the disputed domain name, the Panel agrees and finds that the disputed domain name is confusingly similar to the AMERISURE Marks. The addition of the term "-okta" does not prevent this finding.

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

The Panel finds that Respondent has no rights or legitimate interests in the disputed domain name. Respondent does not appear to be commonly known by the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use the AMERISURE Marks.

Respondent's use of the disputed domain name in association with a website labeled by major browser providers as deceptive and being engaged in phishing is not a *bona fide* offering of goods or service that would give rise to rights or a legitimate interest in the disputed domain name.

Furthermore, the nature of the disputed domain name, comprising the AMERISURE Marks and adding the term "okta," a well-known provider of identity and access protection services, carries a risk of implied affiliation with Complainant as it effectively impersonates or suggests sponsorship or endorsement by Complainant, and accordingly cannot constitute a fair use in these circumstances. See section 2.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Respondent has not rebutted Complainant's *prima facie* case and has provided no arguments or evidence showing potential rights or legitimate interests in the disputed domain name. For these reasons, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

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

Given i) the timing of Complainant's first use of the AMERISURE Marks in 1984 and the numerous prior registrations of the AMERISURE Marks, predating registration of the disputed domain name by many years, Complainant being headquartered in the United States of America where Respondent reportedly resides, and Complainant's use of the AMERISURE Marks in association with insurance services, ii) the inherently misleading nature of the disputed domain name as a combination of the AMERISURE Marks with the descriptive term "okta", in combination with a deceptive website engaged in phishing, and iii) the timing of the registration of the disputed domain name and use of the disputed domain name, indicates that Respondent had clear knowledge of the AMERISURE Marks and Complainant's business prior to registration.

The Panel finds that Respondent's registration of the disputed domain name was in bad faith.

In addition, the Panel finds Respondent usage of the disputed domain name to deceive someone into thinking that the website associated with the disputed domain name is associated with Complainant constitutes use in bad faith consistent with paragraph 4(b)(iv) of the Policy.

The Panel concludes that the disputed domain name was registered and has been used in bad faith.

## **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 <amerisure-okta.com> be transferred to Complainant.

*/Timothy D. Casey/*

**Timothy D. Casey**

Sole Panelist

Date: July 11, 2023