

## **ADMINISTRATIVE PANEL DECISION**

Milliman, Inc. v. Dusty Lujan  
Case No. D2023-5026

### **1. The Parties**

Complainant is Milliman, Inc., United States of America (“United States”), represented by Adams and Reese LLP, United States.

Respondent is Dusty Lujan, United States.

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

The disputed domain name <mlilman.com> (the “Disputed Domain Name”) is registered with Wild West Domains, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 2, 2023. On December 4, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 4, 2023, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on December 8, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 8, 2023.

The Center verified that the Complaint together with the amended 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 December 11, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 31, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 5, 2023.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on January 11, 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 Disputed Domain Name was created on November 28, 2023.

Complainant learned of the Disputed Domain Name a few days later, when Complainant's customer contacted Complainant to determine whether an email with payment instructions the customer had received from a sender at the Disputed Domain Name was legitimate.

The instructions were not legitimate.

Complainant is one of the world's largest independent actuarial and consulting firms operating in the areas of employee benefits, investment, property and casualty, healthcare, life and financial services, and insurance services. Complainant has been active in this field since 1947 and operated under the registered MILLIMAN trademark.

Complainant advertises its goods and services through various websites, including <milliman.com>, as well as through print media and other advertising and promotional campaigns. Complainant operates in various markets throughout the world, and has sixty-two offices located in Africa, Asia, Europe, Latin America, North America, and the Middle East.

Complainant's registrations for MILLIMAN include the following:

-United States Registration Number 2551240 for MILLIMAN, registered on March 19, 2002; and

-United States Registration Number 2694177 for MILLIMAN, registered March 4, 2003.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Disputed Domain Name is identical or confusingly similar to Complainant's MILLIMAN mark. It differs from Complainant's MILLIMAN mark only by the substitution of an "l" for an "i," and the letters "rn" for an "m," making the Disputed Domain Name virtually identical in appearance to the MILLIMAN mark. Because the Disputed Domain Name consists of an intentional misspelling of MILLIMAN, it is confusingly similar to Complainant's mark. The slight misspelling of MILLIMAN is insufficient to distinguish the Disputed Domain Name from Complainant's MILLIMAN mark.

Complainant is the exclusive owner of the distinctive and well known MILLIMAN mark. To Complainant's knowledge, Respondent's name is not "mlllrnan," and Respondent is not, and has never been commonly known as "mlllrnan." Respondent is not, and has never been a licensee or franchisee of Complainant. Respondent has never been authorized by Complainant to register or use Complainant's MILLIMAN mark or to apply for or use any domain name incorporating the mark (or a close approximation thereof).

Respondent is not using the Disputed Domain Name in connection with a *bona fide* offering of goods or services, or in a legitimate noncommercial or fair manner. Respondent is using the Disputed Domain Name in furtherance of a scheme to defraud Complainant's customers into wiring funds to an unauthorized bank account, specifically by using the Disputed Domain Name to send emails with bogus payment instructions to at least one of Complainant's customers. These activities constitute wire fraud and phishing, and as such,

cannot be considered legitimate noncommercial or fair use of the Disputed Domain Name. The fact that the Disputed Domain Name does not currently resolve to an active website does not negate Respondent's bad faith.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

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

Complainant has demonstrated it owns registered trademark rights in the MILLIMAN mark. The Disputed Domain Name differs from Complainant's MILLIMAN mark only by the substitution of an "l" for an "i," and the letters "rn" for an "m," making the Disputed Domain Name virtually identical in appearance to the MILLIMAN mark, which does not prevent a finding of confusing similarity between the mark and the Disputed Domain Name. See sections 1.8 and 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Accordingly, the Disputed Domain Name is confusingly similar to the mark in which Complainant has rights.

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

Complainant has presented a prima facie case that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that Respondent obtained the Disputed Domain Name which is a typo of Complainant's primary domain name <milliman.com> indicates that Respondent sought to piggyback on the mark for illegitimate reasons, namely, to engage in a phishing scheme targeting customers of Complainant.

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name. Regardless, the use of a domain name for illegal activity can never confer rights or legitimate interests upon a respondent. [WIPO Overview 3.0](#), section 2.13.

In the absence of any evidence rebutting Complainant's prima facie case indicating Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

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

The Disputed Domain Name was registered years after Complainant first used its MILLIMAN mark. The evidence provided by Complainant makes it clear that Respondent undoubtedly knew of Complainant's MILLIMAN mark, and knew that it had no rights or legitimate interests in the Disputed Domain Name.

There is no benign reason for Respondent to have registered the Disputed Domain Name that is confusingly similar to Complainant's mark.

Currently, the Disputed Domain Name does not resolve to an active website, but this does not prevent a finding of bad faith as Complainant has provided evidence that Respondent has sent an email to a customer attempting to impersonate Complainant to engage in some phishing attacks. See section 3.4 of the [WIPO Overview 3.0](#).

The Panel finds that the only plausible basis for registering and using the Disputed Domain Name have been in bad faith.

Accordingly, the Panel finds that the Disputed Domain Name has been registered and is being 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 <millirnan.com> be transferred to Complainant.

*/Colin T. O'Brien/*

**Colin T. O'Brien**

Sole Panelist

Date: January 28, 2024