

ADMINISTRATIVE PANEL DECISION

Pet Plan Ltd v. Jansen Cosart

Case No. D2024-4605

1. The Parties

The Complainant is Pet Plan Ltd, United Kingdom, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Jansen Cosart, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <onlypetsplans.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 8, 2024. On November 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 11, 2024, 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 the Complainant on November 12, 2024, 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 amended Complaint on November 13, 2024.

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 the Respondent of the Complaint, and the proceedings commenced on November 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 6, 2024.

The Center appointed Iris Quadrio as the sole panelist in this matter on December 13, 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 Complainant, operating since 1976, claims it is the first and largest pet insurance provider in the United Kingdom. Currently a subsidiary of Allianz Insurance plc, one of the largest general insurers in the United Kingdom and part of the Allianz Global Group, the Complainant offers a wide range of pet insurance products, including policies for dogs, cats, rabbits, horses, exotic pets, and businesses in the pet care industry (as evidenced in Annexes 6.1 – 6.3 to the Complaint).

The Complainant has continually used the PETPLAN trademark for over 40 years and has garnered significant recognition, including awards such as the World Branding Awards – Brand of the Year (2017–2018 and 2019–2020) and the Consumer MoneyWise Awards – Most Trusted Pet Insurance Provider (2017).

The Complainant is the owner of the trademark PETPLAN, in many jurisdictions, including United States Patent and Trademark Office (USPTO) Registration No. 3161569 of October 24, 2006 for classes 16, 36, and 41; United Kingdom Intellectual Property Office (UKIPO) Registrations Nos. 00002052294 (figurative) of January 17, 1997 and 00900328492 (figurative) of October 16, 2000 for class 36, and Registration No. 00901511054 (figurative) of December 18, 2001 for classes 16, 25, 26, 35, 36, 41 and 42; and European Union Intellectual Property Office (EUIPO) Registration No. 001511054 (figurative) of December 18, 2001 for classes 16, 25, 26, 35, 36, 41, and 42 and Registration (figurative) of October 16, 2000 No. 000328492 for class 36.

The Complainant maintains a strong online presence through its primary website, <petplan.co.uk>, registered since August 1996, and its social media platforms, including a Facebook page with over 152,000 likes and 156,000 followers and an X (formerly Twitter) account with more than 14,700 followers.

The Complainant tried to resolve this dispute outside of this administrative proceeding by sending a letter to the Respondent on August 7, 2024, which remained unanswered (as per Annex 7 to the Complaint).

Finally, the disputed domain name was registered on June 30, 2024, and it resolves to a webpage that displays the title “Protecting Your Furry Friends with Care” with a subscription box requesting an email address.

5. Parties’ Contentions

A. Complainant

The Complainant states that the disputed domain name is confusingly similar to its trademark PETPLAN.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, nor is he related in any way to the Complainant. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark PETPLAN or apply for registration of the disputed domain name.

More specifically, the Complainant alleged that the Respondent is making neither a bona fide offering of goods or services nor a legitimate, noncommercial fair use of the disputed domain name.

Finally, the Complainant has requested the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar with a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

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 Panel finds the mark is recognizable 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, the term "only" and additional letters "s", 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.

The Complainant has claimed it has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the trademark PETPLAN nor is there any other evidence in the file suggesting that the Respondent has or could have rights or legitimate interests in the disputed domain name. Also, the Complainant has prior rights to the PETPLAN trademark which clearly precede the Respondent's registration of the disputed domain name.

Even more, it does not seem that the Respondent made a legitimate noncommercial or fair use of the disputed domain name. In this regard, the disputed domain name resolves to a website displaying "Onlypets Plans" and the title "Protecting Your Furry Friends with Care." The website merely displays a subscription box requesting an email address and a copyright notice "2024 OnlyPets Plans", with no other substantive or active content. The composition of the disputed domain name incorporating the Complainant's trademark together with its use for a website with the title "Protecting Your Furry Friends with Care" which could be understood as implying a reference to pets insurance in this Panel's view affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name. Furthermore, the Respondent has not provided any explanation as to his selection of the disputed domain name or the purpose of the website.

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 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 such connection, the Complainant has submitted evidence to support that the trademark PETPLAN is widely known and was registered and used many years before the Respondent registered the disputed domain name. The Panel finds, on the balance of probabilities, that when registering the disputed domain name, the Respondent has targeted the Complainant's trademark PETPLAN to create confusion among Internet users and benefit from the Complainant's reputation.

Therefore, the Panel is satisfied that the Respondent must have been aware of the Complainant and the Complainant's trademark PETPLAN when it registered the disputed domain name. Consequently, and in accordance with section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant's PETPLAN trademark in the disputed domain name creates a presumption that the disputed domain name was registered in bad faith.

Additionally, the disputed domain name displays the title "Protecting Your Furry Friends with Care" with a subscription box requesting an email address. This evidences that the Respondent is leveraging the disputed domain name to mislead Internet users and collect personal information.

Even more, the Respondent has ignored the cease-and-desist letter from the Complainant trying to resolve this matter amicably outside this administrative proceeding.

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 <onlypetsplans.com> be transferred to the Complainant.

/Iris Quadrio/

Iris Quadrio

Sole Panelist

Date: December 27, 2024