

ADMINISTRATIVE PANEL DECISION

Tempcover Ltd v. Ibrahim Khabeez

Case No. D2024-4729

1. The Parties

The Complainant is Tempcover Ltd, United Kingdom, represented by AA Thornton IP LLP, United Kingdom.

The Respondent is Ibrahim Khabeez, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <tempcoverquote.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 15, 2024. On November 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 15, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 19, 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 22, 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 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 15, 2024. The Respondent did not submit any formal response but sent several emails on November 19, November 25, December 23, 2024, and another on January 27, 2025. On December 23, 2024, the Center notified the Parties that it would proceed to Panel Appointment.

The Center appointed Gareth Dickson as the sole panelist in this matter on January 7, 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 offers short-term insurance, i.e. temporary cover insurance policies. It began its business in 2006, rebranding to Tempcover.com in 2010 before being acquired by the RVU Group in 2022. The Complainant operates in the insurance sector and collaborates with a panel of insurers and numerous corporate partners and brokers.

The Complainant has been operating under the trade mark TEMPCOVER since 2010 (the “Mark”). It owns the following registrations relating to the Mark:

- United Kingdom Trade Mark number UK00003399923 for a series of two device marks incorporating the Mark, in class 36, registered on August 16, 2019; and
- United Kingdom Trade Mark number UK00002515637 for the word mark TEMPCOVER.COM in class 36, registered on December 4, 2009.

The disputed domain name was registered on August 30, 2024. At the time of filing of the Complaint, the disputed domain name appeared to redirect Internet users to the Complainant’s website.

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 the Mark, as it incorporates the Mark in its entirety with the addition of a descriptive term. The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name, as the Complainant has not authorised the Respondent’s use of the Mark, and the Respondent is alleged to be engaging in fraudulent activity by redirecting the disputed domain name to the Complainant’s website. The Complainant alleges that the disputed domain name was registered and is being used in bad faith, as the Respondent is using its famous and widely-known trade mark to attempt to impersonate the Complainant for commercial gain by deceiving consumers. The Complainant also alludes to the possibility that the disputed domain name might be used in the future to impersonate the Complainant in correspondence with customers or potential customers.

B. Respondent

The Respondent did not formally reply to the Complainant’s contentions, but upon becoming aware of the Complaint on November 19, 2024, an email from the address listed as the Billing contact for the disputed domain name was sent to the Center and asked: “What is this about?”. A second email on the same day, this time from the address listed as the Registrant contact, was sent to the Center and asked: “Can you explain further what this is about? Apologies for any confusion.” Further emails were sent to the Center from that email address on November 25, 2024, asking: “How do i [sic] transfer over the domain?”; on November 26, 2024, asking: “What do i [sic] need to do?”; and on December 23, 2024, stating: “I responded and forfeited the domain.” On January 27, 2025, the Respondent wrote again to the Center, and stated:

"I keep getting emails about this domain, and being constantly pestered even though I have clearly informed them previously that I did not register this email, and I have a developer working for me, who may have made unauthorised actions through my hosting provider or such. I, nevertheless, agreed that I have managed to access the domain, and would be more than happy to transfer it over and forfeit ownership as it does not concern me, I have no use for it and never did. My previous developers [sic] motives for owning this domain, I am unsure of. So once again, I kindly ask you to stop sending me these emails regarding this matter and take ownership of the domain as you wish. I do not want to be involved in this matter. Kind Regards."

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 trade mark 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 trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Although the Complainant's registered marks are not identical to the disputed domain name nor are they reproduced in their entirety (since those registrations include device elements or the generic Top-Level Domain ".com"), the Panel finds that nonetheless 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](#), sections 1.7 and 1.10.

Although the addition of another term, here "quote", 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. While the term "temp" could be an abbreviation of "temporary", and the nature of the words which comprise the disputed domain name could be perceived arguably as a combination of dictionary terms, the Respondent's interest in the disputed domain name appears to extend no further than its utility as a tool to allow the Respondent to purport to create a link with the Complainant. 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, whether formally or otherwise.

Panels have held that a respondent's use of a complainant's mark to redirect users would not support a claim to rights or legitimate interests.

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 has intentionally attempted to associate himself with the Complainant by creating a likelihood of confusion with the Complainant's Mark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Complainant relies on its concern that in future the disputed domain name may be used by the Respondent to correspond with the Complainant's customers or potential customers. While such a concern is understandable, it cannot be a helpful factor to consider in relation to the third element if it is not supported by relevant evidence. The Complainant is of course right to refer to a potential presumption of bad faith where a famous or widely-known mark is registered by a third party (see section 3.1.4 of the [WIPO Overview 3.0](#)), but the Panel is unable, on the evidence provided, to accept the Complainant's submission that the Mark is famous or widely-known by the relevant public.

The Complainant is on stronger ground when describing the Respondent's redirection of the disputed domain name to the Complainant's own website. Panels have held that the use of a domain name to redirect to the Complainant's website support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark. [WIPO Overview 3.0](#), section 3.1.4. Furthermore, in the absence of any explanation from the Respondent as to his motives for registering the disputed domain name, such redirection is strong evidence that the Respondent registered the disputed domain name for that purpose, and therefore that the Respondent has registered and used the disputed domain name in bad faith.

The Panel also wishes to address the Respondent's informal responses to the Center upon becoming aware of the Complaint. While the responses sent in November and December 2024 suggested that the Respondent did not realise that its registration and use of the disputed domain name would be problematic, and that it was willing to divest itself of the disputed domain name, that ignorance and those offers do not change the Panel's conclusion under this limb: in the context of the Policy, the term "bad faith" is a term of art that must be interpreted in light of the requirements of the Policy and more than two decades' worth of jurisprudence as set out in the [WIPO Overview 3.0](#). Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In January 2025, long after the window for filing a response had closed and after a draft of this decision had already been completed, the Respondent alleged that it itself did not procure or enable the registration of the disputed domain name, and suggested that a developer working for the Respondent may have effected the registration. While plausible, the Panel concludes that even if the Respondent is not the "respondent-in-fact" who registered the disputed domain name, the three elements of the Policy remain satisfied in this Complaint.

The Panel has also considered whether the Respondent's January 2025 email amounts to a claim of identity theft, such that an order for the redaction of the Respondent's name in the published version of this decision might be appropriate, but has concluded that it is not.

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 <tempcoverquote.com> be transferred to the Complainant.

/Gareth Dickson/

Gareth Dickson

Sole Panelist

Date: February 6, 2025