

## **ADMINISTRATIVE PANEL DECISION**

Assurant, Inc. v. Wesley Karr, Power Click  
Case No. D2024-5084

### **1. The Parties**

The Complainant is Assurant, Inc., United States of America ("United States"), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is Wesley Karr, Power Click, United States.

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

The disputed domain name <assuarant.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 December 10, 2024. On December 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 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 December 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 amendment to the Complaint on December 12, 2024.

The Center verified that the Complaint together with the amendment to 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 December 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 6, 2025.

The Center appointed Martin Schwimmer as the sole panelist in this matter on January 10, 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, Assurant, Inc., is a publicly traded company listed on the New York Stock Exchange (NYSE: AIZ). A Fortune 500 company, it is a leading global provider of risk management solutions. The Complainant supports over 300 million customers in 21 countries, employing around 13,000 people. Specifically, the Complainant specializes in comprehensive risk management for the auto, lifestyle, and housing protection sectors. It helps businesses manage risks related to property damage, liability and financial loss, theft, and natural disasters.

The Complainant owns various registrations covering the trademark ASSURANT in whole or in part, including United Kingdom Trademark No. UK00002256387 for ASSURANT GROUP (registered June 22, 2001) for use in connection with, inter alia, “insurance services”; United States Reg. No. 2,543,367 for ASSURANT (registered February 26, 2002) for use in connection with, inter alia, “insurance underwriting services in the fields of involuntary unemployment, disability, accidental death and dismemberment, property and life insurance”; and Canada Reg. No. TMA594423 for ASSURANT (registered November 12, 2003) for use in connection with, inter alia, “insurance underwriting services in the fields of involuntary unemployment, disability, accidental death and dismemberment, property and life insurance.”

The Complainant registered the domain name <assurant.com> in 1999 and utilizes it to promote ASSURANT brand services.

The disputed domain name was created on July 28, 2013 – at least 12 years after Complainant’s oldest registration for the ASSURANT trademark and 14 years after registration of Complainant’s domain name. The Respondent uses the disputed domain name in connection with a pay-per-click (“PPC”) or monetized parking page that includes links for various services related to the Complainant and the ASSURANT trademark, including links labeled “Renter Insurance,” “Assurant Insurance,” and “By [sic] Car Insurance.” The Respondent has configured MX records for the Disputed Domain Name, enabling Respondent to send and receive email with addresses that use the Disputed Domain Name.

#### **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 a deliberate misspelling of the Complainant’s trademark.

By using the Disputed Domain Name in connection with a PPC or monetized parking page, the Respondent has failed to create a bona fide offering of goods or services under the Policy.

Because the Disputed Domain Name is “so obviously connected with” Complainant, Respondent’s actions suggest “opportunistic bad faith” in violation of the Policy. In light of the long history of Complainant’s trademarks and Complainant’s significant presence and brand recognition, “[i]t is likely that the Respondent knew of the Complainant’s mark, and has sought to obtain a commercial benefit by attracting Internet users based on that confusion.”

## **B. Respondent**

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

## **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 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](#), sections 1.7 and 1.9.

The insertion of a letter "a" in the middle of "assurant" does not create a recognizable word. When the string "assuarant" is entered as a search term into the Google search engine, the search engine assumes that the user had intended to search for the string "assurant."

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. 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.

As discussed further below, by using the Disputed Domain Name in connection with a PPC or monetized parking page containing keywords related to the Complainant's business, the Respondent has failed to create a bona fide offering of goods or services under the Policy.

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 by using the Disputed Domain Name in connection with a PPC or monetized parking page, the Respondent's actions suggest "opportunistic bad faith" in violation of the Policy.

First, the Panel notes that the trademark ASSURANT is a coined and arbitrary term as applied to the Complainant's services. The Complainant has established lengthy use and registration of the trademark.

The disputed domain name consists of a deliberate misspelling of the trademark ASSURANT. The Respondent's registration of this misspelled disputed domain name, as well as the use of links which conceptually relate to the Complainant's business, including one link that uses the correctly spelled version of the Complainant's name, establishes that the Respondent was aware of the Complainant's reputation in its trademark when registering the disputed domain name and is using the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark.

Finally, the Panel notes that the Respondent, Wesley Karr / Power Click, is a serial cybersquatter that has lost numerous proceedings under the Policy, including the following recent UDRP decisions (among others): *Sopra Steria Group v. Power Click*, WIPO Case No. [D2023-4889](#); *Williams-Sonoma, Inc. v. Wesley Karr, Power Click*, WIPO Case No. [D2022-3915](#); and *Fleury S.A. v. Registration Private, Domains By Proxy, LLC / Power Click*, WIPO Case No. [D2022-2120](#). There are at least 14 UDRP proceedings in which this Respondent was the respondent as well. The Panel holds that the Respondent has engaged in a pattern of bad faith behavior.

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 <assuarant.com> be transferred to the Complainant.

/Martin Schwimmer/

**Martin Schwimmer**

Sole Panelist

Date: January 24, 2025