

ADMINISTRATIVE PANEL DECISION

Asurion, LLC v. Naoki Mori, Mori Naoki
Case No. D2024-5136

1. The Parties

The Complainant is Asurion, LLC, United States of America (“United States”), represented by Adams and Reese LLP, United States.

The Respondent is Naoki Mori, Mori Naoki, Japan.

2. The Domain Name and Registrar

The disputed domain name <assurionclaim.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on December 12, 2024. On December 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 16, 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 (Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 20, 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 in English on December 23, 2024.

On December 20, 2024, the Center informed the Parties in Japanese and English, that the language of the Registration Agreement for the disputed domain name is Japanese. On December 23, 2024, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Japanese of the Complaint, and the proceedings commenced on January 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 28, 2025.

The Center appointed Erica Aoki as the sole panelist in this matter on January 30, 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 is the owner and proprietor of the registered ASURION trademark.

The Complainant offers insurance, technology, mobile phone replacement, configuration, technical support, IT consultation, and related products and services under the ASURION mark. The Complainant has been active since at least as early as 1994 and has used the mark ASURION since at least as early as 2001.

The Complainant advertises and sells its products and services through its website and related websites, as well as through print media and other advertising and promotional campaigns. The Complainant has served over 280 million consumers worldwide, and its services are made available by retailers worldwide, including some of the largest retailers in the United States.

The Complainant has over seven-hundred locations throughout the United States, as well as many other corporate offices, supply chain locations, and customer care and tech support centers throughout North and South America, Europe, Australia, and Asia.

Since its first use of the ASURION mark in 2001, the Complainant has promoted the mark continuously and extensively. The Complainant spends millions of dollars every year promoting the ASURION mark and the products and services sold under the mark. Over 23 years of extensive marketing, sales and enforcement, it has become famous as a source identifier for the Complainant's products and services.

The Complainant's website at receives over 7.9 million visits annually, and the Complainant's website at (which also prominently displays the ASURION mark) receives approximately 40 million visitors per year. The Complainant maintains an active social media presence, with nearly one million Facebook "likes" and more than 25,400 X (formerly Twitter) followers.

The disputed domain name <assurionclaim.com>, registered on August 27, 2024, resolves to a commercial parking page showing pay-per-click advertising links to websites purportedly offering services identical or related to those of the Complainant.

The disputed domain name also has active MX records, indicating that the Respondent may be using the disputed domain name to send fraudulent emails.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

The Complainant owns valid and subsisting registrations for the ASURION mark in the following jurisdictions: Argentina, Australia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, European Union, Guatemala, Honduras, Hong Kong, China, India, Indonesia, Israel, Japan, Malaysia, Mexico, New Zealand, Nicaragua, Panama, Paraguay, Peru, the Philippines, Puerto Rico, United States, Singapore, Republic of Korea, Taiwan Province of China, Thailand, Trinidad & Tobago, United Kingdom, United States, and Uruguay.

The Complainant's United States and Japan registrations for ASURION include the following:

Country	Trademark	Application No.	Application Date	Registration No.	Registration Date
United States of America	ASURION	76215616	February 21, 2001	2698459	March 18, 2003
United States of America	ASURION	85486099	December 2, 2011	4179272	July 24, 2012
United States of America	ASURION	86828887	November 23, 2015	4997781	July 12, 2016
United States of America	ASURION	87403361	April 7, 2017	6010609	March 17, 2020
Japan	アシュリオン ASURION	49052/2004	May 27, 2004	4827130	December 17, 2004
Japan	アシュリオン ASURION	95815/2014	November 13, 2014	5776303	July 3, 2015
Japan	asurion	2019-140230	November 1, 2019	6489224	December 21, 2021

Evidence of the above-listed registrations, all of which predate the record creation date of the disputed domain name.

Furthermore, the Complainant and its licensees own many domain names incorporating the ASURION mark, including but not limited to the following: <asurion.biz>, <asurion.co>, <asurion.com>, <asurion.net>, <asurion.org>, <asurion.repair>, <asurion.support>, <asurioncare.com>, <asurionclaim.com>, <asurioninsurance.com>, <asurion-mobile.com>, <asurionphoneclaim.com>, <asurionphoneclaims.com>, <asurionservices.com>, <asurionsetup.com>, <asurionsupport.com>, <replacementasurion.com>, <tradein.asurion.com>, <myasurionbenefits.com>, and <myasurionlife.com>.

The Complainant contends that the disputed domain name reproduces the Complainant's trademarks. Therefore, the Complainant contends that the disputed domain name is identical or confusingly similar to its well-known trademark since it contains the trademark ASURION.

The disputed domain name incorporates a close typo-variant of the ASURION trademark, followed by the generic word "claim."

The dominant element of the disputed domain name is a misspelled version of the ASURION mark. The disputed domain name is therefore identical or confusingly similar to the ASURION mark. The slight misspelling of ASURION in does not distinguish the disputed domain name from the Complainant's ASURION trademark.

"ASSURION" is phonetically identical and virtually identical in appearance to the Complainant's ASURION trademark and the inclusion of an additional "s" to the ASURION trademark does not negate the confusing similarity.

Also, the addition of the generic word “claim” does not prevent the disputed domain name from being confusingly similar to the Complainant’s ASURION trademark. It is a well-established principle of UDRP panels that the mere addition of a generic and/or descriptive word does not prevent a domain name from being confusingly similar to the trademark. In fact, the addition of the generic word “claim” in the disputed domain name actually serves to increase the confusing similarity, as the Complainant not only owns the domain name but also commonly uses the word “claim” in connection with its device insurance and repair services.

Therefore, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s earlier trademark ASURION.

The Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain name, and the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy:

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

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Japanese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that: (i) the disputed domain name is in Latin characters, rather than Japanese script, and (ii) the disputed domain name directs to a commercial parking page showing pay-per-click links advertising goods and services in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

A. Identical or Confusing Similar

Based on the facts in the present proceeding, this Panel finds that the disputed domain name reproduces the Complainant’s ASURION trademark in its entirety.

The Complainant has established its rights to the ASURION trademarks through registration and use. The Panel further finds that there is no doubt that the disputed domain name is confusingly similar to the Complainant's ASURION trademark, as the disputed domain name includes the Complainant's mark entirely, with the inclusion of an additional "s" to the ASURION trademark and the addition of the word "claim", which does not prevent a finding of confusing similarity (see sections 1.7 and 1.8 of [WIPO Overview 3.0](#)).

The Panel finds that the Complainant has established the first element of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

The Respondent is in default and thus has made no affirmative attempt to show any rights or legitimate interests in the disputed domain name.

There is no evidence on record that the Respondent is or was commonly known by the disputed domain name as an individual, business, or other organization. See section 2.3 of the [WIPO Overview 3.0](#).

There is no evidence on record that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark. Paragraph 4(c) of the Policy indicates that a respondent may have a right or legitimate interest in a domain name if it uses the domain name in connection with a bona fide offering of goods or services prior to notice of the dispute.

In this regard, the Respondent is not connected with the Complainant and has not received any authorization to use any of the Complainant's trademarks. The disputed domain name directs to a parking page showing pay-per-click advertising links to "Asurion Phone Claim," "Insurance Quotes," "Company Insurance Quote," "Insurance Quote," and other websites purportedly offering services identical or related to those of the Complainant.

Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Panel therefore finds that the Complainant has established an unrebutted prima facie case, i.e., that the Respondent has no rights or legitimate interests in the disputed domain name, under Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith.

The Complainant contends that the Respondent acquired the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's earlier marks. The Complainant's trademarks were registered long before the registration of the disputed domain name. Given the reputation of the Complainant's trademarks and the composition of the disputed domain name which incorporates the Complainant's trademarks in its entirety with an additional "s" to the ASURION trademark, and the addition of the word "claim" referring to the Complainant's business, the Respondent very likely registered the disputed domain name having the Complainant's trademarks in mind. Therefore, the Panel finds that it is most likely that the Respondent was aware of the Complainant's rights in the ASURION trademark at the time the disputed domain name was registered, indicating that such registration was made in bad faith.

The Respondent directs Internet users to third parties' websites via the pay-per-click links on the website to which the disputed domain name resolved. The Panel finds the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's trademark as to the source, sponsorship, affiliation or endorsement of this website.

Accordingly, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith under the Policy, paragraph 4(a)(iii).

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 <assurionclaim.com> be transferred to the Complainant.

/Erica Aoki/

Erica Aoki

Sole Panelist

Date: February 13, 2025