

## **ADMINISTRATIVE PANEL DECISION**

Tempcover Ltd v. WAQAS SHOUKAT

Case No. D2025-0032

### **1. The Parties**

The Complainant is Tempcover Ltd, United Kingdom, represented by Venner Shipley LLP, United Kingdom.

The Respondent is WAQAS SHOUKAT, Pakistan.

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

The disputed domain name <uktempcover.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 6, 2025. On January 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 8, 2025, 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 (Domain Admin, Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 9, 2025, 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 January 14, 2025.

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 January 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 4, 2025.

The Center appointed Olga Zalomiy as the sole panelist in this matter on February 6, 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 a UK provider of short-term vehicle insurance. The Complainant owns several trademark registrations for the TEMPCOVER mark, such as:

- the United Kingdom trademark registration No. UK00003399923 for the series of marks TEMPCOVER, registered on August 16, 2019;
- the United Kingdom trademark registration No. UK00002515637 for the mark TEMPCOVER.COM, registered on December 4, 2009.

The Complainant also owns the domain name <tempcover.com> that is used for its website.

The Respondent registered the disputed domain name on December 12, 2024. The disputed domain name directs to a website indicating that it is down for maintenance. The disputed domain name has been used to facilitate an impersonation scheme, linking it to an email address on a fraudulent car insurance certificate. The certificate prominently displays a logo incorporating the Complainant's trademark along with the email address "[...]@uktempcover.com".

#### **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 disputed domain name is confusingly similar to its TEMPCOVER trademark despite the addition of the term "UK".

The Complainant contends that there is no evidence that the Respondent is commonly known by the disputed domain name. The Complainant contends that the Respondent has not used the disputed domain name in connection with a legitimate business. The Complainant argues that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, because it is using the disputed domain name for an illegal scheme.

The Complainant contends that the Respondent is using the disputed domain name in bad faith because it is using it for an email address in connection with a fraudulent car insurance scheme. The Complainant argues that the Respondent's passive holding of the disputed domain name does not prevent a finding of bad faith use, given that the Respondent is using the disputed domain name that incorporates the Complainant's trademark in connection with a fraud. The Complainant contends that it is inconceivable that the Respondent was unaware of the Complainant's business when registering the disputed domain name given the reputation of the Complainant's marks. The Complainant alleges that by using the disputed domain name, the Complainant has intentionally attempted to attract, for commercial gain, Internet users to the website under the disputed domain name by creating likelihood of confusion with the Complainant's trademarks as to the source, affiliation, endorsement or control of the Respondent's website.

In the Complainant's view, such behavior demonstrates the Respondent's knowledge of and familiarity with the Complainant's mark and business. Additionally, the Complainant argues that the Respondent's passive holding of the disputed domain name supports a finding of bad faith use, given that no good faith use of the

disputed domain name that is confusingly similar to the Complainant's mark is possible. The Complainant argues that the Respondent's use of a privacy service to hide its identity serves as further evidence of bad faith registration and use.

## **B. Respondent**

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

## **6. Discussion and Findings**

Pursuant to paragraph 4(a) of the Policy, to succeed in this proceeding, the Complainant must prove each of the following elements with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been 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. The inclusion of the generic Top-Level Domain ("gTLD") ".com" is typically disregarded in the context of the confusing similarity assessment, being a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of other terms, here the term "uk", 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. 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 evidence on record shows that the Respondent is not commonly known by the disputed domain name. The Respondent has not been authorized by the Complainant to use the Complainant's trademark in a domain name.

The Respondent is not making legitimate noncommercial or fair use of the disputed domain name, nor is it using the disputed domain name for bona fide offering of goods or services. The disputed domain name directs to a website indicating that it is down for maintenance. The evidence shows that the disputed domain name has been used to facilitate an impersonation scheme, linking it to an email address on a fraudulent car insurance certificate. The certificate prominently displays a logo incorporating the Complainant's trademark along with the email address "[...].@uktempcover.com."

Panels have held that the use of a domain name for illegal activity, here claimed impersonation of the Complainant, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 was likely aware of the Complainant and its TEMPCOVER marks at the time of registering the disputed domain name and deliberately sought to exploit them. The Complainant's trademark registrations and use of its marks predate the disputed domain name's registration by nearly sixteen years. The disputed domain name has been used to impersonate the Complainant in what appears to be a fraudulent scheme designed to mislead users seeking the Complainant's insurance services. Given these circumstances, the Panel concludes that the Respondent intentionally targeted the Complainant and its marks when registering the disputed domain name.

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.

Panels have held that the use of a domain name for illegal activity, here claimed impersonation of the Complainant, in connection with a fraudulent car insurance certificate constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The fact that the disputed domain name resolves to a website indicating that it is down for maintenance does not, in the circumstances of this case, prevent a finding of bad faith. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <uktempcover.com> be transferred to the Complainant.

*/Olga Zalomiy/*

**Olga Zalomiy**

Sole Panelist

Date: February 14, 2025