

ADMINISTRATIVE PANEL DECISION

Tempcover Ltd v. temp4u temp4u, tempcuva4u
Case No. D2025-0043

1. The Parties

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

The Respondent is temp4u temp4u, tempcuva4u, United Kingdom.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 7, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 8, 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 10, 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 sent email communications to the Center on January 12, 2025, and January 30, 2025. On January 30, 2025, the Complainant submitted Supplemental Filing. On February 4, 2025, the Center informed the Parties that it would proceed with the appointment of the panel.

The Center appointed Jane Seager as the sole panelist in this matter on February 12, 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 company incorporated under the laws of England and Wales, operating in the insurance industry. Launched in 2006 under the name “Temporary Cover”, the Complainant offers flexible temporary vehicle insurance policies. In 2010, the Complainant rebranded its services as “Tempcover.com”. The Complainant offers its short-term insurance services via its website at “www.tempcover.com”.

The Complainant is the owner of trademark registrations for TEMPCOVER, including the following:

- United Kingdom Trademark Registration No. UK00003399923, TEMPCOVER (figurative), registered on August 16, 2019; and
- United Kingdom Trademark Registration No. UK00002515637, TEMPCOVER.COM, registered on December 4, 2009.

The disputed domain name was registered on December 7, 2024. The disputed domain name resolves to a website (the “Respondent’s website”) that states:

“User Validation

For security purposes, before accessing your policy documents, please confirm the following information.

Registration number

Policyholder surname

Policyholder date of birth”

The Respondent’s website closely resembles the look and feel of the Complainant’s official website, displaying the same colour scheme and layout as on the Complainant’s official website, featuring the Complainant’s figurative TEMPCOVER trademark in its header, displaying the Complainant’s address as listed on the Complainant’s official website in its footer, and including references to the Complainant’s official domain name <tempcover.com>, its Financial Conduct Authority registration number, and its United Kingdom Company registration number.

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.

The Complainant asserts rights in the trademarks TEMPCOVER and TEMPCOVER.COM. The Complainant submits that the disputed domain name is confusingly similar to its trademarks.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant notes that the Respondent’s website is virtually identical to the Complainant’s website and submits that the Respondent is trying to impersonate the Complainant. The Complainant submits that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, nor is the Respondent commonly known by the disputed domain name, nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant infers from the Respondent's use of the disputed domain name that the Respondent was well aware of the Complainant and its trademark rights when registering the disputed domain name. The Complainant submits that the Respondent is using the disputed domain name to impersonate the Complainant and to mislead consumers into thinking that the disputed domain name is operated by or connected to the Complainant. The Complainant submits that there is real risk that the disputed domain name could be used as part of a phishing scheme, noting that the Respondent's website asks Internet users to input personal information relating to their account with the Complainant, which could be used to commit further fraudulent acts.

The Complainant requests transfer of the disputed domain name.

B. Respondent

The Respondent sent two informal email communications to the Center.

In the first communication, dated January 12, 2025, the Respondent stated:

"My intention has always been to use the domain name in good faith, and I dispute any allegations of infringement or bad faith use. [...]"

If Tempcover Ltd is interested in acquiring the domain, I have independently valued tempcovers.org at [GBP] 15,000, based on its potential, uniqueness, and relevance. I am willing to transfer the domain for this amount."

In the second communication, dated January 30, 2025, the Respondent stated:

"The valuation of [GBP] 15,000 for tempcovers.org was provided by a private, independent domain valuation expert, based on a thorough and professional assessment of the domain's value. To call this figure 'extortionate' is not only unfounded but a deliberate attempt to undermine the legitimacy of my position. [...]"

[...] Offering to transfer a domain at a fair, expert-assessed value is completely in line with industry norms and in no way reflects bad faith. For her to continue claiming otherwise is both disingenuous and legally unfounded.

[...] Tempcover Ltd and Tempcovers.org offer entirely different services. The complainant's business model and evidence do not align with the domain in question or my intended use of it. Their evidence is therefore insufficient to support their allegations of bad faith or infringement."

The Respondent goes on to further deny any bad faith, and requests that the Complaint be denied.

C. The Complainant's Supplemental Filing

In an unsolicited Supplemental Filing, the Complainant refers to the Respondent's offer to sell the disputed domain name for GBP 15,000 and argues that the Respondent is attempting to sell the disputed domain name for valuable consideration in excess of the Respondent's out-of-pocket costs associated with the disputed domain name, in bad faith.

6. Discussion and Findings

6.1. Procedural Matter: Admissibility of the Complainant's Supplemental Filing

The Rules contemplate the submission of a single Complaint and Response. Paragraph 12 of the Rules states that the Panel may request, in its sole discretion, further statements or documents from either of the

Parties. The admissibility of unsolicited supplemental filings is subject to the Panel's discretion, provided under paragraph 10 of the Rules. In all such cases, UDRP panels have repeatedly affirmed that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its Complaint or Response (e.g., owing to some "exceptional" circumstance); see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.6.

In the present case, the Complainant's Supplemental Filing primarily seeks to address the Respondent's offer to sell the disputed domain name to the Complainant, which was only made after the Complaint had been filed.

In light of the above, the Panel has determined to admit the Complainant's unsolicited Supplemental Filing to the record. The Panel notes, in this regard, that its exclusion from the record would not have substantially altered the outcome of the present case.

6.2. Substantive Matters

In order to prevail, the Complainant must demonstrate on the balance of probabilities that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (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 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 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 disputed domain name comprises the textual element of the Complainant's TEMPCOVER trademark, altered only by the addition of the letter "s", which does not prevent a finding of confusing similarity with the Complainant's trademark. See *PlaneSense, Inc. v. Ronald Mayersohn*, WIPO Case No. [D2024-4665](#):

"Complainant has provided evidence that it is the owner of a U.S. registration for the PLANESENSE Mark. The Panel also finds the mark is recognizable within the Domain Name and that the Domain Name could be a typo version of the PLANESENSE Mark by the addition of the letter 's' to the Domain Name. Accordingly, the Domain Name is confusingly similar to Complainant's trademark for the purposes of the Policy."

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 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.

As noted above, the disputed domain name resolves to a website that purports to be operated by the Complainant. Internet users who arrive at the Respondent’s website are likely to be confused as to the source of the website and risk disclosing personal identifying information to the Respondent via the form displayed on the Respondent’s website. Panels have held that the use of a domain name for illegitimate activity, including impersonation or passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Despite including “temp4u temp4u, tempcuva4u” in the registration details for the disputed domain name, there is no evidence that the Respondent is commonly known by any name corresponding to the disputed domain name. Indeed, communications from the Respondent were signed with a personal name that bore no resemblance to the disputed domain name. The Respondent’s use of the disputed domain name does not give rise to any legitimate claim of rights pursuant to paragraph 4(c)(ii) of the Policy.

The Respondent is not making any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraph 4(c)(iii) of the Policy.

The Panel further notes that the Respondent has offered to sell the disputed domain name to the Complainant for GBP 15,000. While aggregating and holding for resale domain names consisting of acronyms, dictionary words, or common phrases can be bona fide and is not per se illegitimate under the Policy, considering the Respondent’s use of the disputed domain name which is clearly intended to target the Complainant, the Panel finds that the Respondent’s attempt to sell the disputed domain name to the Complainant does not support a claim of rights or legitimate interests in the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

As noted above, the Respondent has used the disputed domain name in a way that seeks to impersonate the Complainant. Panels have held that the use of a domain name for illegitimate activity, including impersonation or passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 further notes that the Respondent has sought, during the course of these proceedings, to sell the disputed domain name to the Complainant for GBP 15,000. Noting the confusing similarity between the disputed domain name and the Complainant’s trademark, and further noting the Respondent’s clear intent to target the Complainant as evidenced by the Respondent’s use of the disputed domain name, the Panel concludes that the Respondent registered the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the TEMPCOVER trademark, for valuable consideration likely in excess of the Respondent’s documented out-of-pocket costs directly related to the disputed domain name, in bad faith pursuant to paragraph 4(b)(i) of 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 <tempcovers.org> be transferred to the Complainant.

/Jane Seager/

Jane Seager

Sole Panelist

Date: February 26, 2025