

## **ADMINISTRATIVE PANEL DECISION**

Amerisure Mutual Insurance Company v. willie charles  
Case No. D2025-0130

### **1. The Parties**

The Complainant is Amerisure Mutual Insurance Company, United States of America (the “US”), represented by Dykema Gossett PLLC, US.

The Respondent is willie charles, Canada.

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

The Disputed Domain Name <arnerisure.com> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 14, 2025. On January 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On the same day, 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, PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 15, 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 amendment to the Complaint on the same day.

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 January 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 9, 2025.

The Center appointed Jane Lambert 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 offers insurance underwriting in the fields of property, casualty, automobile, boiler and machinery, workers' compensation, liability, fire and allied lines, earthquake, ocean marine, inland marine, aircraft physical damage, fidelity and surety, burglary and theft, forgery, glass, sprinkler leakage, water damage, smoke and smudge, physical loss to buildings, and reinsurance; surety services and financial risk management, among other areas of business, throughout the US. It is licensed and offers insurance underwriting services in all 50 states of the US. It has been in the insurance business for more than 110 years.

The Complainant has been using the AMERISURE mark in relation to those services since early 1984 if not before. It holds several US trade marks including the word AMERISURE which it registered on June 18, 1985 for a range of insurance services in class 36 under registration number 1,343,265.

The only information on the Respondent are the particulars that have been supplied by the Registrar,

The Complainant has appended to the Complaint as Appendix 2 copies of fake emails incorporating the Disputed Domain Name into their email addresses purporting to have been sent by the Complainant's Senior Credit Risk Specialist and demanding payment of bogus invoices. Those exhibits have been verified by sworn statements from the Credit Risk Specialist and the Complainant's Assistant Vice-President of IT Security.

The Disputed Domain Name has been used as the universal resource locator for a holding page displaying links to ski resorts. A screen print of that page appears in the Complaint,

#### **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 US trade mark number 1,343,265 which is a trade mark in which the Complainant has rights. The similarity arises from the substitution of the letters "R" and "N" in the Disputed Domain Name for the letter "M" in the trade mark,

The Complainant denies that the Respondent has any rights or legitimate interests in the Disputed Domain Name. The Respondent has neither sought nor obtained a license to use the Disputed Domain Name. The Respondent's use of the Disputed Domain Name was not a bona fide offering of goods or services. Nor was that use legitimate, noncommercial, or fair.

The Complainant relies on paragraph 4(b) of the Policy which provides that if any one of several circumstances is found by the Panel to be present it shall be evidence of the registration and use of the Disputed Domain Name in bad faith. One of those circumstances is that by using the Disputed Domain Name, the Respondent has intentionally attempted to attract for commercial gain Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location. The Complainant contends that the use of the Disputed Domain Name as an email address to impersonate its Credit Risk Specialist in the hope of

extracting money from the recipients of those emails constituted evidence of registration and use of the Disputed Domain Name in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

The agreement by which the Respondent registered the Disputed Domain Name incorporated paragraph 4(a) of the Policy:

**"Applicable Disputes.** You are required to submit to a mandatory administrative proceeding in the event that a third party (a 'complainant') asserts to the applicable Provider, in compliance with the Rules of Procedure, that

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

In the administrative proceeding, the complainant must prove that each of these three elements are present."

### **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.

Further, section 1.9 of the [WIPO Overview 3.0](#) states:

"A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.

This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. Under the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant.

Examples of such typos include (i) adjacent keyboard letters, (ii) substitution of similar-appearing characters (e.g., upper vs lower-case letters or numbers used to look like letters), (iii) the use of different letters that appear similar in different fonts, (iv) the use of non-Latin internationalized or accented characters, (v) the inversion of letters and numbers, or (vi) the addition or interspersing of other terms or numbers."

This section is supported by the authorities cited in the [WIPO Overview 3.0](#).

The substitution of the letters “R” and “N” in the Disputed Domain Name for the letter “M” in the Complainant’s trade mark falls within the scope of this section.

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.

Further, panels have held that the use of a domain name for illegitimate activity and/or illegal activity, here, claimed as phishing, impersonation, passing off, or other types of fraud, 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.

One of those circumstances is that by using the Disputed Domain Name, the Respondent has intentionally attempted to attract for commercial gain Internet users to the Respondent’s website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s web site or location or of a product or service on the Respondent’s web site or location.

The Panel has already found that the Disputed Domain Name is confusingly similar to the Complainant’s trade mark. By using the Disputed Domain Name to create fake emails to enable the Respondent to demand payment for bogus invoices, the Respondent has attempted to attract for commercial gain Internet users to its online location by creating a likelihood of confusion with the Complainant’s mark as to the location of a service on the Respondent’s location. It follows that the requirements of paragraph 4 (b) (iv) are satisfied by such use of the Disputed Domain Name.

Further or alternatively, the links on the page to which the Disputed Domain Name resolves are likely to be sponsored. The Respondent will qualify for a payment every time an internet user clicks one of those links. Internet users will arrive on that page as a result of the confusing similarity between the Disputed Domain Name and the Complainant’s trade mark. Such use of the Disputed Domain Name also satisfies paragraph 4(b)(iv) of the Policy.

Further or in the further alternative, Panels have held that the use of a domain name for illegitimate and/or illegal activity, here, claimed as phishing, impersonation, passing off, or other types of fraud, 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 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 <arnerisure.com> be transferred to the Complainant.

*/Jane Lambert/*

**Jane Lambert**

Sole Panelist

Date: February 26, 2025