

ADMINISTRATIVE PANEL DECISION

Assurant, Inc. v. David Jetter, assurantco llc
Case No. D2025-0181

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 David Jetter, assurantco llc, United States.

2. The Domain Name and Registrar

The disputed domain name <assurantco.com> 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 17, 2025. On January 17, 2025, the Center transmitted to the Registrar a request for registrar verification in connection with the disputed domain name. On January 17, 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 (Redacted for Privacy, 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 20, 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 January 21, 2025.

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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 13, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on February 14, 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, “a leading global provider of comprehensive risk management solutions for the auto, lifestyle and housing protection sectors”, is a publicly traded company incorporated in the State of Delaware, United States, headquartered in New York, New York, United States, and listed on the New York Stock Exchange. It is a Fortune 500 company operating internationally in the insurance sector with about 13,000 employees in 21 countries, more than 300 million customers worldwide, and 2023 net income of USD 642.5 million. The Complainant operates a principal website at “www.assurant.com”, which was registered in May 1999.

The Complainant has offered insurance, risk management, protection products, and support services under the ASSURANT brand since a corporate reorganization in 2004. The Complainant holds numerous ASSURANT and formative marks in the United States and other jurisdictions. These include United States Trademark Registration Number 2543367, registered on February 26, 2002, for ASSURANT as a standard character mark in International Classes 35 and 36.

The Whois details indicate that the disputed domain name was created on December 12, 2024, and registered in the name of a potential domain privacy service. After receiving notice of the Complaint in this proceeding, the Registrar identified the underlying registrant as David Jetter, listing the organization as “assurantco llc”, which has the appearance of an affiliate of the Complainant, and showing a postal address in the State of Florida, United States and a Gmail contact email address. The Panel notes that the online database of the Florida Division of Corporations lists no such entity as a company registered to do business in Florida¹. The Complainant denies that the disputed domain name registration was made on its behalf or by an employee or agent of one of its affiliates.

The disputed domain name does not resolve to an active website at the time of this Decision. The Complaint attaches a screenshot showing that the disputed domain name formerly resolved to a landing page with pay-per-click (“PPC”) links to third-party advertisers, including those relating to competing insurance services. The Complaint also demonstrates that the Respondent has configured MX records for the disputed domain name, enabling the Respondent to send and receive emails with addresses using 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 confusingly similar to its ASSURANT trademark, which it incorporates in its entirety. The Complainant charges that the Respondent has no rights or legitimate interests in the disputed domain name, as the Complainant has never given the Respondent permission to use its mark and there is no evidence that the Respondent is actually associated with an entity known as “assurantco llc” as shown in the registration record. The Respondent has used the mark only in connection with PPC advertising for related services to Complainant’s.

¹ Pursuant to paragraphs 10 and 12 of the Policy, the Panel has conducted some limited factual research.

The Complainant observes that its ASSURANT mark is well known and widely publicized, and the Respondent's domain name registration details falsely suggest an affiliation with the Complainant. It is, therefore, implausible that the Respondent was unaware of the Complainant. UDRP panels regularly recognize that PPC use of a domain name confusingly similar to a trademark constitutes bad faith under the Policy, panels have also recognized that the existence of MX records can be considered as an implied ongoing threat of impersonation for phishing or fraud schemes.

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 (the registered ASSURANT trademark) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced 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.

Although the addition of other terms (here, the term "co", a common abbreviation for "company" or the United States State of Colorado) 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 Respondent registered the disputed domain name claiming "assurantco llc" as his

organization, but the Complainant denies any connection with the Respondent, and the Respondent has not come forward with any proof that such an organization exists. The Respondent has parked the disputed domain name and allowed it to be used only for PPC advertising for competing services, and such use does not amount to the Respondent's "bona fide" offering of goods or services for purposes of the second element of the Complaint. [WIPO Overview 3.0](#), section 2.9.

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 more likely than not aware of the Complainant and its ASSURANT mark, which is distinctive and widely known in the United States where the Respondent is located and had been well established for roughly a quarter of a century by the time the Respondent registered the disputed domain name. The fact that the Respondent registered the disputed domain name using what appears to be the name of a non-existent entity that gives the impression of being an affiliate of the Complainant supports an inference of familiarity with the Complainant and an intent to deceive. So does the fact that the Respondent has not replied to communications or submitted a Response in this proceeding.

The Respondent has parked the disputed domain name for PPC advertising of competing services, and this meets the example of bad faith given in the Policy, paragraph 4(b)(iv), misdirecting Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark. It is immaterial whether the Respondent has earned money from the clicks on these links; the Respondent remains responsible for the use of the disputed domain name under the registration agreement. Moreover, there is an ongoing risk of phishing or fraud use of emails associated with the disputed domain name, and the Respondent has already configured the disputed domain name for such use with MX records. See [WIPO Overview 3.0](#), section 3.4. The Respondent has not come forward to offer plausible, alternative reasons for its conduct.

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 <assurantco.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: February 25, 2025