

ADMINISTRATIVE PANEL DECISION

Asurion, LLC v. alexis berry
Case No. D2025-0682

1. The Parties

The Complainant is Asurion, LLC, United States of America ("United States" or "U.S."), represented by Adams and Reese LLP, United States.

The Respondent is alexis berry, United States.

2. The Domain Name and Registrar

The disputed domain name <asurionremote.net> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 20, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 February 21, 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 February 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 17, 2025.

The Center appointed Nels T. Lippert as the sole panelist in this matter on March 24, 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 U.S. limited liability company with headquarters in Nashville, Tennessee, United States. The Complainant offers insurance, technology, mobile phone replacement, configuration, technical support, IT consultation and related products and services under the ASURION trademark.

The Complainant owns numerous United States registrations of the ASURION trademark including:

United States Registration No. 2698459, ASURION, registered on March 18, 2003;

United States Registration No. 4179272, ASURION, registered on July 24, 2012;

United States Registration No. 4997781, ASURION, registered on July 12, 2016; and

United States Registration No. 6010609, ASURION, registered on March 17, 2020.

The Complainant also owns trademark registration for the ASURIAN trademark in numerous other countries.

The Complainant additionally owns the domain name <asurion.com> which resolves to its website through which the Complainant advertises and sells its products and services. In addition, the Complainant owns many other domain names that incorporate the ASURION mark.

The disputed domain name was created on February 19, 2025, and at that time it resolved to a website that displayed “Launching Soon”, and the title “Asurion Remote”. The website also included a “Contact Us” chat box, and an email capture box inviting visitors to “Drop a Line!”. A sub-domain name <pay.asurionremote.net> directed to an online payment form that requested financial information including card numbers, CVV codes, and billing details. The disputed domain name also had active Mail Exchange (“MX”) records.

After the Complainant reported the disputed domain name and corresponding website to the Registrar and web host, the disputed domain name does not now direct to an active website.

The Respondent appears to be an individual with an address in Houston, Texas, United States.

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 the Complainant’s ASURION trademark because it contains the entirety of the trademark and the phrase “remote” does not diminish the confusing similarity. The Complainant further asserts that the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent is not and has never been a licensee or franchisee of the Complainant. The Complainant also asserts that the Respondent has never been commonly known by the disputed domain name and has never acquired any trademark or service mark rights in the disputed domain name.

The Complainant contends that the disputed domain name was used for illegal activities such as directing to a website used to collect personal information and hosted an online payment form that requested highly sensitive financial information from users. The Complainant alleges that such fraudulent use does not amount to a bona fide offering of goods or services and cannot be considered legitimate noncommercial or fair use of the disputed domain name. The Complainant further argues that the Respondent had configured MX records for the disputed domain name which enabled the Respondent to send and receive email with addresses that use the disputed domain name. The Complainant asserts that this is evidence that the Respondent intended to use the disputed domain name to send emails as part of a fraudulent phishing scheme.

B. Respondent

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

6. Discussion and Findings

As noted above, the Respondent did not respond to the Complainant's allegations. Under the Rules, paragraphs 5(f) and 14(a), the effect of a default by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint. The Panel does not find any exceptional circumstance in this case.

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following:

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

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

In this case, the Panel finds that as a result of the default, the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant. By defaulting and failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in Paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name.

Moreover, the Respondent failed to provide any information or reasoning that might rebut the Complainant's arguments that the Respondent has acted 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 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, “remote”, 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.

Furthermore, it is well established that the applicable Top-Level Domain (“TLD”) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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. Moreover, the Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant, because the Complainant provides remote technology support services for phones and other electronic devices. [WIPO Overview 3.0](#), section 2.5.1.

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.

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.

The disputed domain name incorporates the Complainant’s earlier registered trademark in its entirety. In the absence of any response from the Respondent and taking into account the Complainant’s reputation, the Panel considers that the Respondent knew or should have known of the Complainant’s trademark when registering the disputed domain name, and registered the disputed domain name in bad faith targeting the Complainant.

In terms of the use of the disputed domain name, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website, and the Respondent's registration and use of the disputed domain name constitutes bad faith under the paragraph 4(b)(iv) of the Policy.

The fact that the sub-domain name <pay.asurionremote.net> directed to an online payment form that requested financial information from Internet users reinforces the Panel's finding of bad faith, as it may be used for fraudulent purposes.

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 <asurionremote.net> be transferred to the Complainant.

/Nels T. Lippert/

Nels T. Lippert

Sole Panelist

Date: April 7, 2025