

ADMINISTRATIVE PANEL DECISION

Milliman, Inc. v. walter llc, walter walter
Case No. D2025-0807

1. The Parties

Complainant is Milliman, Inc., United States of America ("USA"), represented by Adams and Reese LLP, USA.

Respondent is walter llc, walter walter, USA.

2. The Domain Name and Registrar

The disputed domain name <imilliman.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 February 26, 2025. On February 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 27, 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 / See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on February 28, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 3, 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 Respondent of the Complaint, and the proceedings commenced on March 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 25, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 26, 2025.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on April 4, 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

Complainant is a large independent actuarial and consulting firm operating in dozens of countries in the areas of employee benefits, investment, property and casualty, healthcare, life and financial services, and insurance services. Complainant has been active in this field since 1947.

Complainant owns many registrations for its MILLIMAN marks, including for example United States Trademark Registration No. 2551240 for MILLIMAN (service mark) registered March 19, 2002, in International Class 36; United States Trademark Registration No. 2694177 for MILLIMAN registered March 4, 2003, in International Class 9; and United States Trademark Registration No. 2535009 for MILLIMAN (service mark) registered January 29, 2002, in International Class 35.

The disputed domain name was registered October 7, 2024, and resolves to a website displaying pay-per-click (“PPC”) advertising links to businesses in competition with Complainant’s business under the trademarks.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant avers that on December 13, 2024, Complainant’s counsel sent Respondent a cease-and-desist letter demanding transfer of the disputed domain name, to which no response was received. Complainant also avers that the disputed domain name has been configured with active MX records, indicating that Respondent may be using the disputed domain name to send fraudulent communications to customers and the public.¹

B. Respondent

Respondent did not reply to 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 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.

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.

¹The Complaint annexes documents in support of the allegations of this paragraph.

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.

The Panel finds that the first element of paragraph 4(a) of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which 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.

Complainant alleges that Respondent: (1) is not known by the disputed domain name; (2) is not authorized to use Complainant’s trademarks; and (3) that there may be no legitimate use of the disputed domain name by Respondent. Complainant’s annexes to the Complaint demonstrate that Respondent used the confusingly similar disputed domain name to display PPC advertising links to businesses offering services in Complainant’s area of business under the trademarks. Respondent also configured the disputed domain name, Complainant alleges, so that it could be used to send emails to the public, fraudulently posing as Complainant’s business.

The Panel accepts Complainant’s unopposed allegations and concludes that Respondent registered the disputed domain name intending to impersonate Complainant and collect revenues generated by the advertising links; the Panel also notes the unopposed allegations that Respondent enabled email capability using the disputed domain name planning to mislead or defraud the public.

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 Panel finds that the second element of paragraph 4(a) 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.

Given the content of the website to which the disputed domain name resolves, it appears obvious to the Panel that Respondent was aware of Complainant’s trademark when registering the disputed domain name. The Panel notes that Respondent used the confusingly similar disputed domain name without authorization to display PPC advertising links in the same area of business in which Complainant’s trademark has been well established, in competition with Complainant. Moreover, Respondent has enabled use of the disputed domain name for email functionality. In these circumstances, the Panel finds that Respondent has “intentionally attempted to attract, for commercial gain, Internet users to [Respondent’s] web site or other on-line location, by creating a likelihood of confusion with ... [C]omplainant’s mark,” a clear indication of

registration and use in bad faith as provided under paragraph 4(b)(iv).

Having reviewed the record, the Panel finds that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that Complainant has established the third element of paragraph 4(a) 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 <imilliman.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: April 18, 2025