

ADMINISTRATIVE PANEL DECISION

Asurion, LLC v. Domain Privacy, Domain Name Privacy Inc.
Case No. D2025-0877

1. The Parties

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

The Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

2. The Domain Name and Registrar

The disputed domain name <assurioninsurans.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 3, 2025. On March 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 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 (Contact Privacy Inc. Customer 0172565238) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 5, 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 March 7, 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 March 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 31, 2025.

The Center appointed Andrew Brown K.C. as the sole panelist in this matter on April 3, 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 headquartered in Nashville, Tennessee, US.

The Complainant offers insurance, technology, mobile phone replacement, configuration, technical support, repair, IT consultation and related services under the trademark ASURION. The Complainant has been active since at least 1994 and has used the mark ASURION since at least as early as 2001. The Complainant operates its principal website at “www.asurion.com”.

The relevant registrations of the Complainant (the “Asurion Trademark”) include the following:

Country	Trademark	Application No.	Application Date	Registration No.	Registration Date
Canada	ASURION	1093105	February 16, 2001	TMA580365	May 1, 2003
US	ASURION	76215616	February 21, 2001	2698459	March 18, 2003
US	ASURION	85486099	December 2, 2011	4179272	July 24, 2012

The Complainant owns registrations for its ASURION Trademark in many other jurisdictions.

The disputed domain name was registered on September 24, 2024. After its registration and before the filing of the Complaint, the disputed domain name was dynamically redirected to various websites including a commercial parking page showing pay-per-click advertising links and a page for distribution of malware or viruses.

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 ASURION Trademark registrations. Further, the Complainant asserts that, as a result of these registrations and the fact that it has made widespread use of its ASURION Trademark, it has reputation and goodwill rights in that mark.

The Complainant has served over 280 million consumers worldwide as of the date of the Complaint. Its services under the ASURION Trademark are made available by retailers worldwide. The Complainant has over 700 business locations in the US – as well as many other corporate offices, supply chain locations and customer care and technical support centers throughout North and South America, Europe, Australia and Asia.

The Complainant also relies on the fact that it (and its licensees) own multiple domain names incorporating the ASURION Trademark including <asurion.com>, <asurion.biz>, <asurion.net>, and <asurioninsurance.com>.

The Complainant states that the disputed domain name <assurioninsurans.com> is confusingly similar because it incorporates a close typo-variant of its ASURION Trademark followed by “insurans” which is a misspelling of the generic word “insurance”. The Complainant asserts that the slight misspelling of Asurion

in the disputed domain name does not distinguish that domain name as “Assurion” as phonetically identical and virtually identical in appearance to the Complainant’s ASURION Trademark.

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name. It asserts that none of the circumstances provided in paragraph 4(c) of the Policy are present in this case:

- (a) Assurion Insurans is not the Respondent’s name and, to the Complainant’s knowledge, the Respondent has never been commonly known by that name.
- (b) The Respondent has never been a licensee or franchisee of the Complainant.
- (c) The Respondent has never been authorized by the Complainant to register or use the Complainant’s ASURION Trademark or to apply for any domain name incorporating it (or a close typo-variant).
- (d) The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services or in a legitimate noncommercial or fair manner. This is evidenced by the Respondent directing the disputed domain name to a parking page showing pay-per-click advertising links to insurance services related to those offered by the Complainant. Further, as at the date of the Complaint, the disputed domain name was being used to distribute malware or viruses – something which, the Complainant asserts, does not establish rights or legitimate interests.

The Complainant further states that the Mail eXchange (“MX”) records for the disputed domain name indicate that the Respondent may be using it for sending and receiving emails for phishing or other fraudulent purposes.

Finally, the Complainant asserts the disputed domain name has been registered and is being used in bad faith. It asserts that given its global trademark registrations for ASURION, its international reputation and its distinctiveness, it is not plausible that the Respondent could have been unaware of the Complainant and its ASURION Trademark at the time of registration.

The Complainant relies on the findings of previous UDRP Panels that typosquatting is sufficient to establish registration and use in bad faith. Further, the Complainant relies on the Respondent’s diversion of Internet users (finding the disputed domain name) to a commercial parking page with links advertising services related to those offered by the Complainant.

The Complainant relies on three other factors as to use in bad faith by the Respondent. Its first assertion is that the Respondent’s use of the disputed domain name in connection with a website showing elements consistent with malware or virus distribution constitutes additional evidence of bad faith. Secondly, the Respondent’s offer to sell the disputed domain name for USD 1410.99 is relied on as evidence of the Respondent’s use in bad faith. Thirdly, the Complainant says the active MX records associated with the disputed domain name provide evidence that the Respondent is likely using the disputed domain name in connection with phishing, fraud or other unlawful activities.

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

The Panel finds that the Complainant's ASURION Trademark (despite the additional letter "s") is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to that mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of another term ("insurans") may bear on an assessment of the second and third elements, the Panel finds that the addition of this 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.

As evidenced by the Complainant, the use of the disputed domain name includes a page for distribution of malware or viruses. Panels have held that the use of a domain name for distributing malware 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.

In the present case, the Panel finds that the disputed domain name was registered in bad faith for the following reasons:

- (a) The Panel finds that the Complainant has clearly demonstrated that it has rights in its ASURION Trademark. Further, the Complainant's ASURION Trademark has a well-established reputation as a result of the Complainant's worldwide operations, trading history and length of use since at least 2001.
- (b) The Respondent clearly knew of the Complainant's ASURION Trademark when it registered the disputed domain name. This is evidenced in three ways. First, the Respondent's use of the variant

“Assurion” with the double “ss”. Secondly, the adoption of the word “insurans” in the disputed domain name, clearly equating to “insurance”. Thirdly, the fact that after registration the Respondent used the disputed domain name to redirect to a parking page showing pay-per-click advertising links to websites purportedly offering insurance services, i.e., one of the Complainant’s primary fields of operation.

The Panel is also satisfied that the Respondent is using the disputed domain name in bad faith for the following reasons:

- (a) The Complainant has provided evidence that the disputed domain name is being used to direct Internet users (who are looking for the Complainant) to a commercial parking page with links to insurance services. Such activity constitutes both bad faith registration and use. See *Asurion, LLC v. Cindy Willis*, WIPO Case No. [D2018-2643](#); *The Commissioners for HM Revenue and Customs v. DomainsBy Proxy, LLC DomainsByProxy.com/Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2018-2348](#).
- (b) The Panel finds that the use of the disputed domain name in connection with the website showing elements consistent with malware or virus distribution constitutes additional evidence of bad faith. See *Wikimedia Foundation Inc v. Yangmin Fang, Huli Jing Internet Holdings Ltd.*, WIPO Case No. [D2015-2140](#).
- (c) The Respondent’s public offer in February 2025 on the GoDaddy website to sell the disputed domain name for a sum (USD 1410.99) in the excess of the Respondent’s out-of-pocket costs is also further evidence of registration and use in bad faith.
- (d) The Panel is entitled to draw and does draw an adverse inference from the failure of the Respondent to respond to the Complaint and to the factual allegations made by the Complainant.

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 <assurioninsurans.com> be transferred to the Complainant.

/Andrew Brown K.C./

Andrew Brown K.C.

Sole Panelist

Date: April 14, 2025