

ADMINISTRATIVE PANEL DECISION

Assurant, Inc. v. hassnain nadeem, My Store
Case No. D2025-1116

1. The Parties

The Complainant is Assurant, Inc., United States of America, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States of America.

The Respondent is hassnain nadeem, My Store, Canada.

2. The Domain Name and Registrar

The disputed domain name <isnash.com> is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 18, 2025. On March 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 19, 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 0174032247) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 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 amendment to the Complaint on March 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 March 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 17, 2025, after which the Respondent sent an informal email communication to the Center on the same day.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on April 25, 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 provider of comprehensive risk management solutions for the auto, lifestyle and housing protection sectors. The Complainant helps businesses manage the risks of property damage, liability and financial loss, theft and natural disasters. The Complainant designs insurance, protection products and support services that help businesses provide premium customer experiences and inspire deeper customer loyalty.

The Complainant is a publicly traded company on the New York Stock Exchange. It ranks as number 365 on the Fortune 500, supporting more than 300 million customers worldwide via about 13,000 employees in 21 countries.

On April 4, 2024, the Complainant “announced the acquisition of iSmash, the United Kingdom’s leading independent tech repair brand, offering express drop-in repair services for smartphones, tablets and laptops”. iSmash was founded in 2013 and, as of the date of its acquisition by the Complainant, had grown to 38 retail locations with 152 employees across the United Kingdom, serving more than 1.6 million customers.

The Complainant is the registrant of the domain name <ismash.com>, which was created on April 27, 2004.

The Complainant owns the following trademark registrations for ISMASH:

- European Union Reg. No. 011317534 for ISMASH (registered April 25, 2013);
- United Kingdom Reg. No. UK00911317534 for ISMASH (registered April 25, 2013);

The disputed domain name was registered on February 6, 2025. The Respondent is not using the disputed domain name in connection with an active website. The disputed domain name resolves to a web page with the following message: “Opening soon. Be the first to know when we launch” and a place to include an email for subscription to news.

The Complaint states that the Respondent has configured MX records for the disputed domain name, enabling the Respondent to send and receive email with addresses that use the disputed domain name. In addition, according to the Complaint, at least one security vendor has reported that the disputed domain name is associated with suspicious activities.

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.

B. Respondent

The Respondent did not formally reply to the Complainant’s contentions but merely asked what the dispute is regarding in its email dated April 17, 2025.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed 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 with respect to the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used 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 Panel finds the mark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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. [WIPO Overview 3.0](#), section 1.9.

In this case the Respondent has replaced the letter "m" in the mark by the letter "n" in the disputed domain name.

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 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:

- There is a consensus view of UDRP panels that the practice of typosquatting (“iSmash” instead of “iSnash”) may in itself be evidence of a bad faith registration of a domain name (see [WIPO Overview 3.0](#), sections 1.9 and 3.2.1).
- The disputed domain name is almost identical to the Complainant’s trademark. The Respondent must have been aware of the Complainant when the Respondent registered the disputed domain name. Top results of an Internet search for “isnash” all relate to the Complainant.
- The registration under a privacy service may further indicate bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of the Complainant’s trademark, the composition of the disputed domain name (adding the letter “n” to replace the letter “m” for creating a typo-squatted version of the trademark), and the fraud alerts included in the Complaint, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <isnash.com> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: April 30, 2025