

## **ADMINISTRATIVE PANEL DECISION**

Asurion, LLC v. Usama Arshad  
Case No. D2025-1335

### **1. The Parties**

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

The Respondent is Usama Arshad, Pakistan.

### **2. The Domain Name and Registrar**

The disputed domain name <asurion.properties> 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 April 2, 2025. On April 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 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 April 10, 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 April 11, 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 April 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 6, 2025.

The Center appointed Stefan Bojovic as the sole panelist in this matter on May 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 is a company with headquarters in Nashville, Tennessee, United States that offers insurance, technology, mobile phone replacement, configuration, technical support, IT consultation and related products and services under the ASURION trademark.

The Complainant is the owner of number of registered trademarks throughout the world for its ASURION trademark, including the following:

- United States trademark registration No. 2698459 for ASURION, registered on March 18, 2003;
- United States trademark registration No. 4179272 for ASURION, registered on July 24, 2012; and
- United States trademark registration No. 4997781, ASURION, registered on July 12, 2016.

The Complainant also owns a number of domain names that include its ASURION trademark, such as the domain name <asurion.com>, registered on January 23, 2001 and used for its principal website.

The disputed domain name was registered on February 27, 2025, and at the time of filing of the Complaint, it resolved to a verification page by "cloudflare.com" and according to the Complaint was used in connection with fraudulent emails impersonating the Complainant. At the time of the Decision, the disputed domain name resolves to a page that is blocked by antivirus and labeled as "dangerous website".

#### **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 identical with its ASURION trademark as the second-level domain ("SLD") consists exclusively of this trademark. The Complainant also holds that the addition of the generic Top-Level Domain ("gTLD") ".properties" does not prevent a finding of identity between the disputed domain name and its ASURION trademark.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant's distinctive and famous ASURION trademark or any domain name incorporating the ASURION trademark. The Respondent is also not commonly known by the disputed domain name. The Complainant has learned about the existence of the disputed domain name from its business partner, who has received an email from alleged employee of the Complainant inviting the business partner to provide leads on potential customers in exchange of payment or a fixed salary. This email also included Complainant's official logo. The Respondent's use of the disputed domain name to impersonate Complainant and send fraudulent emails to unsuspecting third parties, presumably in furtherance of a phishing scam or fraud is not use for bona fide offering of goods or services, or in a legitimate non-commercial or fair manner. Furthermore, the Respondent is also using the disputed domain name to direct Internet users to a webpage containing fraudulent instructions designed to trick them into executing harmful commands on their computers, indicating a deliberate attempt to facilitate phishing or other malicious activities.

With reference to the circumstances evidencing bad faith, the Complainant states that its ASURION trademark is highly distinctive and famous and it is universally associated with the Complainant, and that for that reason it is not plausible that Respondent could have been unaware of the Complainant at the time of registration of the disputed domain name. The Respondent is using the disputed domain name in bad faith to perpetuate a fraudulent scheme, whereby the Respondent impersonates the Complainant's employee and sends fraudulent emails to unsuspecting third parties, presumably in furtherance of a phishing scam or fraud. Furthermore, the Respondent's use of the disputed domain name to direct Internet users to a webpage containing fraudulent instructions designed to trick them into executing harmful commands on their computers indicates a deliberate attempt to facilitate phishing or other malicious activities and should be observed as additional evidence of use of the disputed domain name in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to 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."

Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

- (i) that the disputed domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) that the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that 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 entirety of the Complainant's trademark is reproduced within the disputed domain name. As a matter of fact, the disputed domain name consists exclusively of the Complainant's ASURION trademark without any additional elements. Accordingly, the disputed domain name is identical with the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

In addition, it is well established that ".properties", as a gTLD, can be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant's trademark. [WIPO Overview 3.0](#), section 1.11.1.

The Panel, therefore, finds that 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 notes that there seems to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s ASURION trademark. There appears to be no element from which the Panel could infer the Respondent’s rights and legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

Based on the undisputed evidence provided by the Complainant, the disputed domain name was used to send emails impersonating the Complainant and its ASURION trademark, inviting its business partners to provide leads on potential customers in exchange of payment or a fixed salary. Such behavior of the Respondent represents a type of Internet fraud and previous panels have consistently held that use of a disputed domain name for such purposes cannot be considered as a bona fide offering of goods or services nor as a legitimate noncommercial or fair use of the disputed domain name. In connection with the above, it should be noted that panels have held that the use of a domain name for illegal activity (such as for sending phishing emails, impersonation of the complainant, as in this case) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Having in mind the above, 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.

In the present case, the Panel notes that the Respondent must have been aware of the Complainant and its ASURION trademark, especially having in mind that ASURION appears to be a term exclusively used by the Complainant. It is, therefore, highly unlikely that the Respondent decided to register a domain name consisting exclusively of this trademark without having the Complainant in mind when doing so. It should be also borne in mind that the registration and use of ASURION trademark predates the registration of the disputed domain name for more than 20 years, making it unlikely that the Respondent was not aware of the Complainant’s trademark at the time of registration of the disputed domain name. Finally, the fact that the Respondent has used the disputed domain name for the emails through which he has impersonated the Complainant leaves no room for doubt on the Respondent’s knowledge of the Complainant and its ASURION trademark and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain name.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

As indicated above, the disputed domain name was used to send emails impersonating the Complainant and its ASURION trademark, inviting its business partners to provide leads on potential customers in exchange of payment or a fixed salary. Such fraudulent behavior manifestly indicates bad faith on the Respondent's side. In that sense, panels have held that the use of a domain name for illegal activity (in this case sending phishing emails, impersonation of the Complainant) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Therefore, the Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently 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 <asurion.properties> be transferred to the Complainant.

*/Stefan Bojovic/*  
**Stefan Bojovic**  
Sole Panelist  
Date: May 28, 2025