

ADMINISTRATIVE PANEL DECISION

Amica Mutual Insurance Company v. Enrico Martinelli
Case No. D2026-3538

1. The Parties

The Complainant is Amica Mutual Insurance Company, United States of America (the “United States”), represented by Hinckley, Allen & Snyder, LLP, United States.

The Respondent is Enrico Martinelli, Italy.

2. The Domain Name and Registrar

The disputed domain name <en-amica.com> is registered with Register SPA (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 10, 2026. On August 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 12, 2026, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 13, 2026, 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 August 17, 2026.

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 August 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 15, 2026.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on September 18, 2026. 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

It results from the Complainant's documented allegations which remained undisputed that it has been founded in 1907 and is nowadays one of the oldest mutual insurers of automobiles in the United States.

It is the registered owner of several United States trademarks consisting of the term AMICA. In particular, the Complaint is based on the following registered United States trademarks AMICA (word):

- Reg. No. 354,683, registered on February 22, 1938 (with first use in commerce claim as of February 1911) for goods in class 16;
- Reg. No. 666,397, registered on August 26, 1958 (with first use in commerce claim as of 1911) for services in class 36; and
- Reg. No. 1,911,774, registered on August 15, 1995 (with first use in commerce claim as of September 1969) for services in class 36.

These trademarks have duly been renewed and are in force.

The Complainant promotes its services through its main website under the domain name <amica.com>.

The Respondent registered the disputed domain name on April 25, 2026. It resolves to a website that allegedly promotes insurance services and solicits consumers to obtain insurance quotes by calling a third-party telephone number that is not associated with the Complainant. In addition, the website prominently displays the trademark AMICA at the top left throughout the entire website. The website to which the disputed domain name resolves contains a footer disclaimer stating that the site is for "educational and comparison purposes only" and is "not affiliated with, endorsed by, or officially connected to Amica Mutual Insurance Company".

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:

- (1) the disputed domain name is confusingly similar to the AMICA mark. In fact, it comprises the Complainant's AMICA mark in its entirety with the addition of the prefix "en-," which is a common descriptive and/or geographically suggestive element;
- (2) upon information and belief, the Respondent is not commonly known as "Amica." The Respondent's WhoIs identity is entirely shielded by a privacy service, with no name or organization disclosed. The Respondent's impersonation of the Complainant's brand to divert consumers to a third-party commercial offering cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use;
- (3) the Respondent registered the disputed domain name decades after the AMICA mark became well-known, which creates a presumption of bad faith registration. The Respondent also used the disputed domain name to intentionally attract Internet users for commercial gain: the associated website

mimics Complainant's branding, references "100+ years of mutual insurance experience" and invites visitors to "Get Your Amica Insurance Quote", yet directs callers to an unaffiliated third-party phone number. The footer disclaimer stating no affiliation with Complainant constitutes an admission that confusion is likely rather than a cure. The Respondent's use of a privacy service to conceal its identity while engaging in this impersonation and diversion is additional evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "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 requires a complainant to prove each of the following three elements in order to obtain an order that the disputed domain name be transferred or cancelled:

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

The Panel will therefore proceed to analyse whether the three elements of paragraph 4(a) of the Policy are satisfied.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown the above listed rights in respect of a trademark or service mark for the purposes of the Policy, [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the AMICA mark is reproduced within the disputed domain name, combined with the element "en-". The Panel therefore finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy, [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "en-", 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 3.1](#), 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 that 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 3.1](#), 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.

Firstly, the Respondent did not participate in these proceedings, and it did not submit any evidence of bona fide use or preparations to use the disputed domain name pursuant to paragraph 4(c)(i) of the Policy. In particular, the Complainant’s uncontested allegations demonstrate that it has not authorized or licensed the Respondent’s use of its trademark for registering the disputed domain name which is confusingly similar to said trademark.

Secondly, the Panel notes that there is no evidence in the records showing that the Respondent may be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Thirdly, the Panel finds that the use of disputed domain name cannot be regarded as fair use pursuant to paragraph 4(c)(iii) of the Policy. As detailed above, the disputed domain name resolves to a website that closely mimics, without authorization, the Complainant’s branding and solicits consumers to obtain insurance quotes by calling a third-party telephone number that is not associated with the Complainant. Although the Panel notes the disclaimer contained in the footer of the website, the overall impression created by the website at the disputed domain name is of association with the Complainant and thus, prevents a finding of rights or legitimate interests on behalf of the Respondent. . Overall, the Panel therefore considers that the composition of the disputed domain name combined with the content to which it resolves, targets the Complainant and results in the false impression that the disputed domain name is somehow related to the Complainant and its official website.

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 3.1](#), section 3.2.1. One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy). The Panel finds that this is the case here.

According to the Complainant’s documented allegations, the disputed domain name resolves to an active website that allegedly promotes insurance services and solicits consumers to obtain insurance quotes by calling a third-party telephone number not associated with the Complainant. The website also prominently displays with the trademark AMICA at the top left throughout. The Panel is therefore convinced that the Respondent knew of the Complainant and its AMICA trademark when it registered the disputed domain

name, and has sought to pass itself off as the Complainant, or at least creation an impression of association with the Complainant.

This finding of bad faith registration and use is further supported by the following circumstances, which the Panel considers relevant:

- (i) the nature of the disputed domain name, which reproduces the Complainant's trademark AMICA, first used in commerce more than a century ago;
- (ii) the website content, including the disclaimer at the bottom of the website expressly referring to the Complainant, which confirms that the Respondent likely knew the disputed domain name was confusingly similar to the Complainant's trademark when it registered and used it for the website as described above;
- (iii) the Respondent's failure to submit a response or to provide any evidence of actual or contemplated good faith use; and
- (iv) the clear absence of rights or legitimate interests, coupled with the Respondent's failure to explain its choice of the disputed domain name.

Consequently, and in the absence of evidence to the contrary, the Panel is convinced that the disputed domain name was registered to target the Complainant's AMICA mark and has been used to pass the Respondent off as the Complainant, or at least creation an impression of association with 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 <en-amica.com> be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: October 2, 2026