

ADMINISTRATIVE PANEL DECISION

Allstate Insurance Company v. Privacy service provided by Withheld for Privacy ehf / Mehmet Ozturk
Case No. D2022-1703

1. The Parties

The Complainant is Allstate Insurance Company, United States of America ("United States"), represented by SILKA AB, Sweden.

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / Mehmet Ozturk, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <allstateturkiye.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 10, 2022. On May 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 11, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 12, 2022, 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 May 15, 2022.

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 May 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 7, 2022.

The Center appointed Kaya Köklü as the sole panelist in this matter on June 14, 2022. 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 its registered seat in the United States and was founded in 1931. It is internationally active in providing *inter alia* various kinds of insurance and financial services.

The Complainant is the owner of the ALLSTATE trademark, which is registered in numerous jurisdictions around the world (Annex 8 to the Complaint). The Complainant is, among many others, the registered owner of the following ALLSTATE word mark registrations:

- United States Trademark Registration No. 0761091, registered on December 3, 1963;
- European Union Trademark Registration No. 000040527, registered on February 12, 1998;

both providing trademark protection *inter alia* for insurance and financial services as covered in International Class 36 (Annex 7 to the Complaint).

The Complainant also owns and operates its main website at "www.allstate.com" since 1995 (Annex 9 to the Complaint).

The Respondent is reportedly an individual from Türkiye.

The disputed domain name was registered on February 12, 2022.

The screenshots, as provided in the Complaint, show that the disputed domain name resolved to a website in the Turkish language, which was used for allegedly promoting and offering insurance services in Türkiye. On the respective website, the Complainant's ALLSTATE trademark and its official logos were prominently used without any visible disclaimer describing the (lack of) relationship between the Parties (Annex 17 to the Complaint), creating the (false) impression that the alleged services are directly provided by the Complainant.

At the time of the decision, the disputed domain name no longer resolves to an active website.

5. Parties' Contentions

A. Complainant

The Complainant is of the opinion that the disputed domain name is confusingly similar to its ALLSTATE trademark.

Furthermore, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It is rather argued that the disputed domain name falsely suggests that there is some official or authorized link between the Complainant and the Respondent.

Finally, it is argued that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant believes that the Respondent must have been well aware of the Complainant's ALLSTATE trademark when registering the disputed domain name, particularly as the Respondent uses the Complainant's ALLSTATE trademark together with its official logo on the website linked to the disputed domain name, without authorization and any disclosure of the lack of relationship between the Complainant and the Respondent.

B. Respondent

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

6. Discussion and Findings

According to paragraphs 14(a) and 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable and on the basis of the Complaint where no Response has been submitted.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to the service or trademark in which the Complainant has rights; and
- (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 Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complaint. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#).

A. Identical or Confusingly Similar

The Panel finds that the Complainant has registered trademark rights in the mark ALLSTATE by virtue of a large number of trademark registrations worldwide.

The Panel further finds that the disputed domain name is confusingly similar to the Complainant's ALLSTATE trademark, as it fully incorporates the Complainant's trademark. As stated at section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would generally not prevent a finding of confusing similarity. The mere addition of a country indication (here: "turkiye"), does not, in view of the Panel, serve to avoid a finding of confusing similarity between the disputed domain name and the Complainant's ALLSTATE trademark.

Accordingly, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Panel further finds that the Respondent has failed to demonstrate any rights or legitimate interests in the disputed domain name.

While the burden of proof on this element remains with the Complainant, previous UDRP panels have recognized that this would result in the often impossible task of proving a negative, in particular as the evidence in this regard is often primarily within the knowledge of the Respondent. Therefore, the Panel agrees with prior UDRP panels that the Complainant is required to make out a *prima facie* case before the burden of production shifts to the Respondent to show that it has rights or legitimate interests in the disputed

domain name in order to meet the requirements of paragraph 4(a)(ii) of the Policy. See, *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

The Panel finds that the Complainant has satisfied this requirement, while the Respondent has failed to file any evidence or make any convincing argument to demonstrate rights or legitimate interests in the disputed domain name according to the Policy, paragraphs 4(a)(ii) and 4(c).

In its Complaint, the Complainant has provided uncontested *prima facie* evidence that the Respondent has no rights or legitimate interests to use the Complainant's trademark in a confusingly similar way within the disputed domain name.

There is also no indication in the current record that the Respondent is commonly known by the disputed domain name. In the absence of a Response, the Respondent has particularly failed to demonstrate any of the other non-exclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) or other evidence of rights or legitimate interests in the disputed domain name.

Quite the contrary, the Panel notes that the nature of the disputed domain name carries a significant risk of implied affiliation or association, as stated in section 2.5.1 of the [WIPO Overview 3.0](#).

Bearing all this in mind, the Panel does not see any basis for assessing a *bona fide* offering of goods or services by the Respondent.

As a conclusion, the Panel finds that the Complainant has also satisfied the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Noting the composition of the disputed domain name, the Panel has no doubt that the Respondent had the Complainant and its ALLSTATE trademark in mind when registering and using the disputed domain name. It appears that the Respondent has registered the disputed domain name solely for the purpose of creating an association with the Complainant and its insurance services.

After having reviewed the Complainant's screenshots of the website linked to the disputed domain name (Annex 17 to the Complaint), the Panel is further convinced that the Respondent has intentionally registered the disputed domain name in order to generate traffic to its own website. The Panel particularly notes that the Respondent has not published any visible disclaimer on the website linked to the disputed domain name to explain that there is no existing relationship between the Respondent and the Complainant. Rather, the prominent use of the Complainant's ALLSTATE trademark and the Complainant's official logo on the website linked to the disputed domain name as well as the nature of the disputed domain name is, in view of the Panel, compelling evidence that the Respondent intentionally tries to misrepresent itself as the Complainant and to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation or endorsement of its website.

Also, the Panel finds that the Respondent's failure to respond to the Complainant's contentions additionally supports the conclusion that it has registered and is using the disputed domain name in bad faith. The Panel is convinced that, if the Respondent had legitimate purposes in registering and using the disputed domain name, it would have probably responded.

The fact that the disputed domain name currently resolves to an inactive webpage does not change the Panel's findings in this respect.

Taking all circumstances of this case into consideration, the Panel is convinced that this is a typical cybersquatting case, which the UDRP was designed to stop.

The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith

and that the Complainant has also satisfied the third element of the Policy, namely, paragraph 4(a)(iii) 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 <allstateturkiye.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: June 27, 2022