

ADMINISTRATIVE PANEL DECISION

Hartford Fire Insurance Company v. Chen Chen
Case No. D2022-4372

1. The Parties

The Complainant is Hartford Fire Insurance Company, United States of America (“United States”), represented by Fross Zelnick Lehrman & Zissu, PC, United States.

The Respondent is Chen Chen, China.

2. The Domain Name and Registrar

The disputed domain name <thebusinessownersplaybook.com> is registered with Heavydomains.net LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 16, 2022. On November 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 22, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 November 25, 2022. In accordance with the Rules, paragraph 5, the due date for the Response was December 15, 2022. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on December 20, 2022.

The Center appointed Adam Taylor as the sole panelist in this matter on January 3, 2023. 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

Since 2007, the Complainant, which supplies insurance and financial services, has published “The Business Owner’s Playbook”, a guide providing financial, marketing and other professional information designed to help businesses grow.

The Complainant provides an online version of its publication on a page headed “BUSINESS OWNER’S PLAYBOOK” at its website at “www.thehartford.com”.

The Complainant owns United States trade mark No. 3,463,577 for THE BUSINESS OWNER’S PLAYBOOK, filed on April 25, 2007, registered on July 8, 2008, in classes 36 and 41.

The disputed domain name was registered on October 7, 2022.

The disputed domain name has been used to resolve to a webpage with links to gambling and pornographic websites.

5. Parties’ Contentions

A. Complainant

The following is a summary of the Complainant’s contentions.

The disputed domain name is confusingly similar to the Complainant’s THE BUSINESS OWNER’S PLAYBOOK trade mark, which it incorporates in its entirety apart from the apostrophe, which cannot be replicated in a domain name.

The Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant has not authorised the Respondent to use its trade mark in a domain name or otherwise.

The disputed domain name could not be reasonably contended to be a nickname of the Respondent or in any other way related to a legitimate interest of the Respondent.

The Respondent’s use of the disputed domain name for a website with links to pornographic videos appearing on third party sites does not constitute rights or legitimate interests.

The disputed domain name was registered and is being used in bad faith.

The Respondent’s lack of authorisation from the Complainant and the Respondent’s use of the Complainant’s mark in the disputed domain name establish opportunistic bad faith.

The Respondent has intentionally created a likelihood of confusion with the Complainant’s mark, given that the disputed domain name is essentially identical to the Complainant’s well-known mark and that any use of the disputed domain name will confuse Internet users and consumers seeking the Complainant into thinking that the disputed domain name and any related website are connected with the Complainant.

Use of the disputed domain name for pornography is further evidence of bad faith, as is the fact that the Respondent is a serial cybersquatter.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

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

A. Identical or Confusingly Similar

The Complainant has established registered rights in the mark THE BUSINESS OWNER'S PLAYBOOK.

Disregarding the Top-Level Domain ("TLD") suffix, which is excluded from the comparison, as well as the apostrophe which cannot be replicated in a domain name, the disputed domain name is identical to the Complainant's trade mark. Accordingly, the Panel finds that the Complainant has established the first element of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

As explained in section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the consensus view is that, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If not, the complainant is deemed to have satisfied the second element.

Here, the Complainant has not licensed or otherwise authorised the Respondent to use its trade mark.

Paragraph 4(c) of the Policy gives examples of circumstances which, if proved, suffice to demonstrate that a respondent possesses rights or legitimate interests.

As to paragraph 4(c)(i) of the Policy, the Respondent has used the disputed domain name for a webpage with links to gambling and pornography websites with no obvious connection to the words in the disputed domain name but with the obvious potential to damage the reputation of the Complainant's trade mark. Such use of the disputed domain name could not be described as *bona fide*.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

The Panel finds that the Complainant has established a *prima facie* case of lack of rights or legitimate interests and there is no rebuttal by the Respondent.

For the above reasons, the Panel concludes that the Complainant has established the second element of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

In the Panel's view, it is likely that the Respondent was aware of the Complainant when registering the disputed domain name, which reflects the Complainant's distinctive trade mark, and that the Respondent set out to create a likelihood of confusion with the Complainant's mark in accordance with paragraph 4(b)(iv) of the Policy.

The likelihood of confusion is not diminished by the probability that at some point users arriving at the Respondent's site will realise that the site is not connected with the Complainant. Paragraph 4(b)(iv) of the Policy is concerned with the intentional attracting of Internet users. Here, the disputed domain name creates

an implied risk of affiliation with the Complainant, and the Respondent profits from at least some of the traffic intended for the Complainant.

Furthermore, given that the disputed domain name is closely linked with the Complainant and its trade mark, the Respondent must have known that use of the disputed domain name for pornography was likely to damage the Complainant's reputation.

The Panel also notes that the Respondent has not come forward to deny the Complainant's assertions of bad faith.

In these circumstances, the Panel has little difficulty in concluding that the Respondent registered and used the disputed domain name in bad faith and that the Complainant has established the third element of paragraph 4(a) 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 <thebusinessownersplaybook.com> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: January 17, 2023