

ADMINISTRATIVE PANEL DECISION

Swiss Life AG, Swiss Life Intellectual Property Management AG v. Chrysi Stefanakidou, swisslife.gr

Case No. D2023-1018

1. The Parties

The Complainants are Swiss Life AG, Switzerland, and Swiss Life Intellectual Property Management AG, Switzerland, represented by FMP Fuhrer Marbach & Partners, Switzerland.

The Respondent is Chrysi Stefanakidou, swisslife.gr, Greece.

2. The Domain Name and Registrar

The disputed domain name <swisslifegr.com> (the “Domain Name”) is registered with Wix.com Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 7, 2023. On March 8, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 9, 13, 14, 15, and 20, 2023, the Center sent reminders to the Registrar for the request for registrar verification. On March 20, 2023, the Center sent an email to the Complainants disclosing that they have not received a full reply from the Registrar to their request for registrar verification and that they have brought this matter to the attention of ICANN Compliance. On March 23, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on March 28, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on April 3, 2023.

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 April 4, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 27, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on May 1, 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

The Complainants are part of Switzerland's largest life insurance company and one of Europe's leading comprehensive life and pensions and financial solutions providers. In 2019, the Complainants generated a turnover of more than CHF 23 billion with more than 4 million customers.

The Complainants own trademark registrations in SWISS LIFE, such as Swiss Trademark Registration number 491528, registered November 15, 2001, and European Community trademark registration number 003438413, registered October 20, 2006. The Complainants have registered several domain names such as <swisslife.ch>, <swisslife.de> and <swisslife.shop>. In trademark rankings in Switzerland, the SWISS LIFE-brand is often among the 50 most famous trademarks.

At the time of the Complaint and at the time of drafting the Decision, the Domain Name resolved to an error page informing that the Domain Name does not resolve to an active webpage.

5. Parties' Contentions

A. Complainants

The Complainants contend that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name. The Complainants provide evidence of trademark registrations and argue that the Domain Name is well-known under the Paris Convention (confirmed by the Swiss Supreme Court), and a famous mark under Swiss trademark law. The Domain Name incorporates the Complainants' trademark with the additional "gr" (reference to Greece). This addition does not prevent a finding of confusing similarity.

The Complainants argue that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent reproduces the Complainants' trademark in the Domain Name without authorization. The Respondent's use of the SWISS LIFE-brand infringes the Complainants' trademark rights, company name rights, and it is an act of unfair completion and a criminal offence. The Complainants argue that the Respondent is illegally capitalizing upon and taking advantage of the SWISS LIFE-brand and it is likely that fraudulent activities will be carried out.

The Complainants point to that the Respondent has no evidence of actual or contemplated good faith use of the Domain Name, the well-known status of the Complainants' trademark and the composition of the Domain Name, as evidence of bad faith registration and use.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The first element functions primarily as a standing requirement. The 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 Complainants have established that they have rights in the trademark SWISS LIFE. The Domain Name incorporates the Complainants' trademark in its entirety with "gr" added. The addition does not prevent a finding of confusing similarity. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"); see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainants have rights in accordance with paragraph 4(a)(i) of the Policy.

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. While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

Based on the evidence, the Respondent is not affiliated or related to the Complainants. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services. Moreover, the composition of the Domain Name carries a risk of implied affiliation with the Complainants.

The Panel finds that the Complainants have made out an un rebutted *prima facie* case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

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.

The composition of the Domain Name makes it probable that the Respondent was aware the Complainants and their prior rights when the Respondent registered the Domain Name. The Domain Name resolves to a non-active webpage. The passive holding of the Domain Name does not prevent a finding of bad faith, as the Domain Name fully incorporates the Complainant's well-known trademark together with the added term "gr", which appears to relate to the country Greece where the Respondent is located. The Respondent has offered no response to the Complaint. Based on the case file, the Panel cannot conceive a good faith use of the Domain name by the Respondent.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of 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 Domain Name <swisslifegr.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: May 15, 2023