

ADMINISTRATIVE PANEL DECISION

Frontline Insurance v. 杨智超 (Zhi Chao Yang)
Case No. D2023-3171

1. The Parties

Complainant is Frontline Insurance, United States of America (“USA” or “U.S.”), represented by ZeroFox, USA.

Respondent is 杨智超 (Zhi Chao Yang), China.

2. The Domain Names and Registrar

The disputed domain names <frontlinensurance.com>, <frontlininsurance.com>, <frotlineinsurance.com>, and <rontlineinsurance.com> are registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 21, 2023. On July 25, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 26, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted For Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on July 26, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint in English on August 4, 2023.

On July 26, 2023, the Center sent another email communication in Chinese and English to the Parties regarding the language of the proceeding. On August 4, 2023, Complainant requested that English be the language of the proceeding. Respondent did not submit any comment on Complainant’s submission.

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 Respondent in English and Chinese of the Complaint, and the proceedings commenced on August 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on September 1, 2023.

The Center appointed Yijun Tian as the sole panelist in this matter on September 18, 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

A. Complainant

Complainant, Frontline Insurance, is a company incorporated in the USA. Found over 20 years ago, Complainant is an insurance company serving the Southeast USA.

Complainant has exclusive rights in the FRONTLINE INSURANCE marks. Complainant is the owner of several U.S. federal registrations for trademarks comprising or containing the FRONTLINE INSURANCE term, including but not limited to the following: U.S. Trademark Registration No. 5478655 for FRONTLINE INSURANCE, registered on May 29, 2018.¹

Complainant also operates domain names that contain the FRONTLINE INSURANCE mark in its entirety, such as <frontlineinsurance.com> (registered on May 28, 2023), which is the official website of Complainant.

B. Respondent

Respondent is 杨智超 (Zhi Chao Yang), China.

C. The Disputed Domain Names

The disputed domain name <rontlineinsurance.com> was registered on July 4, 2022; the disputed domain names <frontlininsurance.com> and <frotlineinsurance.com> were registered on July 14, 2022; and the disputed domain name <frontlinensurance.com> was registered on February 15, 2022, after the registration of the FRONTLINE INSURANCE marks in 2018.

The disputed domain names all resolve to pay-per-click ("PPC") websites in English, which contain links for services that compete with Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a cancellation of the disputed domain names.

Notably, Complainant contends that disputed domain names are all confusingly similar in that they wholly incorporate Complainant's registered trademark and simply remove a letter from them. The changes to the disputed domain names are all centered around the same "frontline insurance" and because of this are clearly referential to Complainant. These slight changes made to create very similar domain names are a classic example of typosquatting.

¹ The Panel has confirmed this information by a search of official records at the U.S. Patent and Trade Mark Office. The registration is in the name of Frontline Insurance Managers Inc. which the Panel takes to be the Complainant's full name.

Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain names.

Complainant contends that the disputed domain names were registered and are being used in bad faith.

Complainant requests that the disputed domain names be cancelled.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1 Procedural Issue: Language of the Proceeding

The language of the Registration Agreements for all disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. Complainant requested that the language of the proceeding be English for several reasons, including the fact that:

- (a) The disputed domain names are written using Latin characters rather than Chinese script, which is the language of the registrar and written agreements. The disputed domain names contain a variation of common English words "frontline" and "insurance". While these words are part of a trademark and is related to Complainant's brand name, it demonstrates knowledge in English and its typography enough to create clear variations of the same word.
- (b) Complainant is headquartered in the USA, and the primary domain names are written in English. They service a regional of the USA and a working knowledge of English would be required to become familiar with their brand and services.
- (c) The disputed domain names direct the consumer to a parked page with advertisements. These advertisements are all in English and lead to searches of similar services to Complainant, which are also in English. By this, Respondent is familiar with the primary language of Complainant and is knowledgeable enough to leverage it with similar advertisements.
- (d) Complainant's primary arguments are centered around the typographical nature of the disputed domain names, of which Chinese script differs from the facts of this case. While Respondent has demonstrated a sufficient knowledge of English with the points above, Complainant is not familiar with the Chinese language and would be disadvantaged should the proceedings not be in English.

Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

On the record, Respondent appears to be located in China and is thus presumably not a native English speaker, but considering the following aspects, the Panel has decided that the language of the proceeding shall be English: (a) the disputed domain names are registered in Latin characters, particularly in English

(e.g., English words or misspelled English words “frontline” and “insurance”), rather than Chinese script; (b) the generic Top-Level Domain (“gTLD”) of the disputed domain names are “.com”, so the disputed domain names seem to be prepared for users worldwide, particularly English speaking countries; (c) the webpages which the disputed domain names resolve to are in the English language; (d) the Center has notified Respondent of the language of the proceeding in both Chinese and English, and Respondent has indicated no objection to Complainant’s request that English be the language of the proceeding; (e) the Center also notified Respondent in both Chinese and English of the Complaint, and informed Respondent that it would accept a response in either English or Chinese, but Respondent chose not to file any response.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues: Three Elements

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 Complainant’s trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds 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 Panel finds the disputed domain names differ from Complainant’s trademark FRONTLINE INSURANCE, by only one letter. More specifically: regarding <frontlininsurance.com>, Respondent has changed the spelling of “Frontline Insurance” by one letter (missing the letter “i” of “insurance”); Regarding <frontlininsurance.com>, Respondent has changed the spelling of “Frontline Insurance” by one letter (missing the letter “e” of “frontline”); Regarding <frotlineinsurance.com>, Respondent has changed the spelling of “Frontline Insurance” by one letter (missing the first “n” letter of “frontline”); and Regarding <rontlineinsurance.com>, Respondent has changed the spelling of “Frontline Insurance” by one letter (missing the letter “f” of “frontline”).

As all disputed domain names contain a misspelling of Complainant’s FRONTLINE INSURANCE mark, the Panel finds the disputed domain names must be considered a prototypical example of typosquatting. Section 1.9 of the [WIPO Overview 3.0](#) states: “A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.”

Based on the available record, 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 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. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

More specifically,

- (i) There has been no evidence adduced to show that Respondent is using the disputed domain names in connection with a *bona fide* offering of goods or services. Respondent has not provided evidence of a legitimate use of the disputed domain names or reasons to justify the choice of the term "frontline insurance", a misspelling of Complainant's FRONTLINE INSURANCE trademark, in the disputed domain names. There has been no evidence to show that Complainant has licensed or otherwise permitted Respondent to use the FRONTLINE INSURANCE marks or to apply for or use any domain name incorporating the FRONTLINE INSURANCE marks.
- (ii) There has been no evidence adduced to show that Respondent has been commonly known by the disputed domain names. There has been no evidence adduced to show that Respondent has any registered trademark rights with respect to the disputed domain names. Respondent registered the disputed domain names in 2022, long after the FRONTLINE INSURANCE marks became widely known. The disputed domain names are confusingly similar to Complainant's FRONTLINE INSURANCE marks; and
- (iii) There has been no evidence adduced to show that Respondent is making a legitimate noncommercial or fair use of the disputed domain names. By contrast, all disputed domain names resolve to PPC websites in English, which contain links for services that compete with Complainant. It seems that Respondent is making profits through the Internet traffic attracted to the websites under the disputed domain names. (See *BKS Bank AG v. Jianwei Guo*, WIPO Case No. [D2017-1041](#); *Pet Plan Ltd. v. 权中俊 and 李金梁 (Li Jin Liang)*, WIPO Case No. [D2020-3358](#).)

Based on the available record, 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.

In the present case, the Panel notes that Respondent has registered and used the disputed domain names in bad faith.

The Panel finds that Complainant has a widespread reputation in the FRONTLINE INSURANCE marks with regard to its products and services. As mentioned above, Complainant started its business in the USA over 20 years ago and it has registered its FRONTLINE INSURANCE marks in the USA since 2018. It is not conceivable that Respondent would not have had actual notice of Complainant's trademark at the time of the registration of the disputed domain names (in 2022). This has been reinforced by the fact that each disputed domain name incorporates a misspelling of Complainant's FRONTLINE INSURANCE trademark.

Thus, the Panel concludes that the disputed domain names were registered in bad faith.

Respondent has used the website resolved by each disputed domain name for displaying PPC links to third-party commercial websites. Thus, the Panel concludes that Respondent is currently using confusingly similar disputed domain names with the intention to attract, for commercial gain, Internet users to Respondent's websites by creating a likelihood of confusion with Complainant. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

In summary, Respondent, by choosing to register and use the disputed domain names, which are confusingly similar to the FRONTLINE INSURANCE marks, intended to ride on the goodwill of these trademarks in an attempt to exploit, for commercial gain, Internet users destined for Complainant. In the absence of evidence to the contrary and rebuttal from Respondent, the choice of the disputed domain names and the conduct of Respondent as far as the websites to which the disputed domain names resolve are indicative of registration and use of the disputed domain names in bad faith.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 names <frontlininsurance.com>, <frontlininsurance.com>, <frotlineinsurance.com>, and <rontlineinsurance.com> be cancelled.

/Yijun Tian/

Yijun Tian

Sole Panelist

Dated: October 8, 2023