

ADMINISTRATIVE PANEL DECISION

Asurion, LLC v. Rebecca Brown

Case No. D2023-3515

1. The Parties

The Complainant is Asurion, LLC, United States of America (“United States”), represented by Adams and Reese LLP, United States.

The Respondent is Rebecca Brown, United States.

2. The Domain Name and Registrar

The disputed domain name <asurion.live> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 18, 2023. On August 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 21, 2023, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 21, 2023 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 amended Complaint on August 22, 2023.

The Center verified that the Complaint together with the amended 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 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 19, 2023.

The Center appointed Kathryn Lee as the sole panelist in this matter on September 28, 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 Complainant is a United States company that offers insurance, technology, mobile phone replacement, configuration, technical support, IT consultation, and related products and services under the ASURION mark. The Complainant has used the ASURION mark since 2001, and has served over 280 million consumers around the world through retailers worldwide. The Complainant has locations in North and South America, Europe, Australia and Asia. The Complainant's website at "www.asurion.com" receives over 7.9 million visits annually, and has more than one million Facebook "likes" and nearly 27,000 Twitter followers. The Complainant has trademark registrations for the ASURION mark in a number of countries worldwide, and its trademark registrations in the United States include Trademark Registration Number 2698459 registered on March 18, 2003, and Trademark Registration Number 4179272 registered on July 24, 2012.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on August 17, 2023, and as of the date of filing of this Complaint, it resolved to a website showing a login screen.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical to the ASURION trademark in which the Complainant has rights.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant states that the disputed domain name is linked to a website which displays a fake login page, and suspects that it was likely used as part of a fraudulent scheme in which the Respondent calls the Complainant's call centers and directs the Complainant's employees to enter their employee login information on the page. The Complainant also states that the MX record indicates that the Respondent is using the disputed domain name for sending and receiving emails, likely for the purpose of misleading email recipients into believing that the Respondent is an agent or employee of the Complainant. The Complainant contends that using a domain name in furtherance of unlawful activity cannot confer rights or legitimate interests on a respondent.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. Specifically, the Complainant contends that ASURION is a coined term and highly distinctive, and it is implausible for the Respondent to have been unaware of the Complainant at the time of registration of the disputed domain name. Rather, the Complainant contends that the Respondent registered the disputed domain name in order to capitalize on the significant reputation of the Complainant's trademark for its own commercial gain; specifically, the Complainant asserts that the Respondent has used the disputed domain name in furtherance of an unlawful phishing scam, with the intention of gaining access to the Complainant's secure system, and sending emails from the disputed domain names to further phishing, fraud, or other unlawful activities. The Complainant asserts that such unlawful use of the dispute domain name demonstrates clear bad faith on the part of the Respondent.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns trademark registrations for the term ASURION. The disputed domain name solely consists of the term "asurion", and is therefore, identical to the Complainant's trademark.

According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 1.11.1, the generic Top Level Domain ("gTLD") ".live" in the disputed domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

For the reason mentioned above, the Panel finds that the first element has been established.

B. Rights or Legitimate Interests

On the basis of the present record, the Panel finds that the Complainant has made the required allegations to support a *prima facie* showing that the Respondent has no rights or legitimate interests in the disputed domain name. Once such a *prima facie* basis has been established, the Respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name. However, the Respondent in this case has chosen to file no response to these assertions by the Complainant, and there is no evidence or allegation in the records that would warrant a finding in favor of the Respondent on this point.

Further, the disputed domain name cannot currently be accessed as the Internet browser shows a "Deceptive site ahead" which is shown for websites that have been reported as deceptive. Based on this, it appears that the Respondent has used the disputed domain name for illegal activity.

Not only that, the disputed domain name is identical to the Complainant's trademark, thus carrying a high risk of implied affiliation to the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

For the reasons provided above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the second element has been established.

C. Registered and Used in Bad Faith

The Panel finds that there is sufficient evidence to find bad faith registration and use in this case.

Section 3.1 of the [WIPO Overview 3.0](#) provides that bad faith under the UDRP is "broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark". Here, evidence suggests that the Respondent likely knew of the Complainant when registering the disputed domain name. First of all, the Panel finds that "asurion" is a distinctive term, and the Respondent has given no explanation for having registered this particular term as a domain name. Further, information on the Complainant and its trademark would have been easily discoverable through an Internet search.

Also, as mentioned above, the disputed domain name previously resolved to a login page and now resolves to a website warning "Deceptive site ahead". Further, the disputed domain name is inherently misleading as it is identical to the Complainant's trademark. Therefore, it is likely that the disputed domain name would be used to deceive or defraud Internet visitors into believing that the disputed domain name belongs to the Complainant in furtherance of an illegal scheme.

Further, considering the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, the lack of a response from the Respondent, the Panel finds that it may not be possible for the Respondent to put the disputed domain name into any good faith use.

Accordingly, the Panel finds that the third element 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 name <asurion.live> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: October 12, 2023