

ADMINISTRATIVE PANEL DECISION

Swiss Life AG, Swiss Life Intellectual Property Management AG c/o Swiss Life AG v. Elliot Prestwich, SBL Entertainment Inc
Case No. D2023-4893

1. The Parties

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

The Respondent is Elliot Prestwich, SBL Entertainment Inc, United States of America.

2. The Domain Name and Registrar

The disputed domain name <swizzlife.com> is registered with Wild West Domains, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 24, 2023. On November 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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 (Unknown registrant) and contact information in the Complaint. The Center sent an email communication to the Complainants on December 1, 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 December 7, 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 December 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 17, 2024.

The Center appointed Zoltán Takács as the sole panelist in this matter on January 23, 2024. 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 in this proceeding are Swiss Life AG (“Complainant 1”) and Swiss Life Intellectual Property Management AG (“Complainant 2”), hereinafter also referred to as the “Complainants”. The Complainant 2, a subsidiary of the Complainant 1, is responsible for managing all intellectual property owned within the Swiss Life Group (“Swiss Life”).

According to the Complainants, Swiss Life is Switzerland’s largest life insurance company and one of Europe’s leading providers of life and pensions solutions with around 9300 employees and 14000 consultants serving more than 4 million customers. In Forbes’ list of the World’s Best Regarded Companies 2019, Swiss Life ranked 125th.

The Complainant 2 owns a portfolio of trademarks consisting of or comprising the term “swiss life”.

These trademark registrations include, by way of example, the Swiss Trademark Registration No. 436709 for the word mark SWISS LIFE registered since February 12, 1997, for insurance, finance, money transactions and real estate services, and the European Union Trademark Registration No. 003438413 for the word mark SWISS LIFE registered since October 20, 2006, for multiple goods and services mostly related to insurance, finance and real estate.

The Complainants also own a number of domain name registrations corresponding to or containing the SWISS LIFE trademark. Swiss Life’s primary international website is located at “www.swisslife.com” with the corresponding domain name being registered since May 10, 1996.

The disputed domain name was registered on January 23, 2023, and the corresponding parking page has been featuring various pay-per-click (“PPC”) links, some of which concern the very services the Complainants’ businesses relate to.

5. Parties’ Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that:

- the disputed domain name is confusingly similar to the SWISS LIFE trademark since it incorporates a close variation of it, altered only by the switching of the letters “ss” of the trademark to letters “zz”;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainants did not give any permission to the Respondent or any third party to use the trademark SWISS LIFE for the registration and/or use of the disputed domain name;
- taking into account the long-standing use and reputation of the SWISS LIFE trademark, it is unlikely that the Respondent did not have prior knowledge of it at the time of registration. The Complainants further contend that it is also unlikely that the Respondent obtained the disputed domain name, which is an obvious

misspelling of the trademark for any other reason than to unlawfully benefit from the goodwill built up by the Complainants in the well-known SWISS LIFE trademark.

The Complainants request that the disputed domain name be transferred from the Respondent to the Complainants.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

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 the Complainants' 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 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 that the mark is recognizable within the disputed domain name.

The only difference between the trademark and the disputed domain name is switching of the letters "ss" of the trademark to letters "zz" in the disputed domain name. The Panel considers this obvious misspelling of the Complainants' trademark in the disputed domain name a clear-cut example of typosquatting. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by UDRP panels to be confusingly similar to the relevant mark for the purpose of the first element. [WIPO Overview 3.0](#), section 1.9.

Based on the available record, the Panel finds that the disputed domain name is confusingly similar to the mark for the purposes of the Policy and that 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 the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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 available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The corresponding parking page for the disputed domain name displays various PPC links, one of them concern the exact same services the Complainants' businesses relate to. Panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links either compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

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 the disputed domain name is a typo-variant of the Complainants' SWISS LIFE trademark, and a clear-cut case of typosquatting registration (see e.g. *National Association of Professional Baseball Leagues, Inc., d/b/a Minor League Baseball v. John Zuccarini*, WIPO Case No. [D2002-1011](#)).

Also, panels have found that the Complainants' mark is well-known (see e.g. *Swiss Life AG, Swiss Life Intellectual Property Management AG v. Domain Admin, Whois Privacy Corp.*, WIPO Case No. [D2020-0449](#) and *Swiss Life AG, Swiss Life Intellectual Property Management AG v. xiansheng chen*, WIPO Case No. [D2021-3856](#)). The mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. (see section 3.1.4 of the [WIPO Overview 3.0](#)).

In view of the Panel, the fact that the Respondent chose a misspelled version of the Complainant's well-known trademark at construction of the disputed domain name indicates that the Respondent must have been aware of the Complainants' business and trademark at the time of obtaining the disputed domain name and chose to register it to target the Complainants' trademark within the meaning of paragraph 4(b)(iv) of the Policy.

The disputed domain name has been used for a parking website that among others features links to the Complainants' competitors. The purpose of the PPC parking website clearly is to attract Internet users to this site for profit based on their confusion of the disputed domain name with the Complainants', which amounts to use of the disputed domain name in bad faith. [WIPO Overview 3.0](#), section 3.5.

The Panel finds that the Complainants have established the third element 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 <swizzlife.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: February 6, 2024