

ADMINISTRATIVE PANEL DECISION

Everest Reinsurance Company v. “Fake Information Provided” Case No. D2024-1221

1. The Parties

Complainant is Everest Reinsurance Company, United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is “Fake Information Provided”.

2. The Domain Name and Registrar

The disputed domain name <eversetglobal.com> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2024. On March 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 21, 2024, the Registrar transmitted by email to the Center its verification response indicating that the registrant provided fake contact information for purposes of registration of the Domain Name, which differed from the named Respondent (REDACTED FOR PRIVACY, PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to Complainant on March 25, 2024, providing the contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 25, 2024.

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 Respondent of the Complaint, and the proceedings commenced on March 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 18, 2024. Due to administrative oversight, the Center granted

Respondent 10 more days to respond, and the new due date for Response was May 2, 2024. Respondent did not submit any response.

The Center appointed John C. McElwaine as the sole panelist in this matter on May 14, 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

Complainant is a subsidiary of a global reinsurance and insurance organization founded in 1973. Relevant to this matter, Complainant owns the following trademark registrations:

- EVEREST GLOBAL, European Union Registration No. 018804098, registered on March 28, 2023, in Class 36; and
- EVEREST, United States Registration No. 2092889, registered on September 2, 1997, in Class 36.

Complainant also owns the EVEREST GLOBAL and EVEREST trademarks in other jurisdictions around the world. Complainant registered the domain name, <everestglobal.com> on May 12, 2000, and has used it as its primary domain name since. Collectively, Complainant's registered and unregistered trademark rights in EVEREST GLOBAL and EVEREST are referred to as the "EVEREST GLOBAL Mark".

Complainant sent three cease-and-desist letters to Respondent, on February 5, 2024, February 14, 2024, and March 1, 2024, respectively. Respondent did not respond to any of Complainant's notices.

On January 10, 2024, Respondent registered the Domain Name with the Registrar. The Domain Name currently resolves to a blank page. Prior to Complainant sending the cease-and-desist letters, the Domain Name resolved to a pay-per-click website featuring links to third-party websites.

Respondent used a privacy service to register the Domain Name. Registrar also indicated that Respondent provided false contact information while registering the Domain Name.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

With respect to the first element of the Policy, Complainant alleges to own a trademark for the EVEREST GLOBAL trademarks with the European Union Intellectual Property Office ("EUIPO") and United Kingdom Intellectual Property Office ("UKIPO"), in addition to the EVEREST Mark across various jurisdictions, including the United States Patent and Trademark Office ("USPTO/UKIPO", and the EUIPO. Complainant contends to have owned the EVEREST Mark since February 1997 and EVEREST GLOBAL Mark since April 2023. Complainant alleges that the Domain Name is a purposeful misspelling of Complainant's EVEREST GLOBAL Mark. Complainant contends that the Domain Name reverses the sequential order of the third letter "e" and letter "s" in the term "everest" to instead say "everset." Complainant asserts the misspelling of the trademark constitutes typosquatting, which creates a Domain Name confusingly similar to Complainant's EVEREST GLOBAL Mark.

As to the second element of the Policy, Complainant alleges that Respondent lacks rights or legitimate interests in the Domain Name alleging that Respondent was never sponsored by or affiliated with Complainant or authorized to use Complainant's trademark in any manner, and there is no evidence of any

bona fide offering of goods or services associated with the Domain Name. Complainant also claims that there is no evidence that Respondent is commonly known by the name Everset Global, pointing in particular to the registrar's indication that Respondent used fake contact information when registering the Domain Name. Complainant further contends Respondent lacked legitimate interest because Respondent used a privacy WHOIS service. Complainant also alleges that because Respondent registered the Domain Name significantly after Complainant's registration of the EVEREST Mark and "everestglobal.com" domain, Respondent is effectively impersonating or suggesting endorsement or sponsorship by Complainant and using Complainant's established goodwill and reputation through the Domain Name. Complainant claims that Respondent's monetization of the Domain Name to direct users to a website featuring sponsored pay-per-click advertisements, prior to the sending of Complainant's cease-and-desist notices, does not establish a bona fide offering of goods or services that would produce rights or legitimate interests. Lastly, Complainant maintains that Respondent has failed to make use of the Domain Name because it currently resolves to a blank page without any content.

As to the third element of the Policy, Complainant contends that the intentional use and misspelling of the EVEREST GLOBAL Mark implies bad faith registration and use because of the strong connection between Complainant and the EVEREST GLOBAL and EVEREST trademarks, especially considering the significant length of time Complainant has used the EVEREST Mark and Complainant's international reputation and presence on the Internet using Complainant's trademarks. Complainant further maintains that typosquatting itself is evidence of bad faith, claiming that Respondent is attempting to capitalize on Internet users' typing errors for monetary gain from third-party links. Because the Domain Name currently resolves to an inactive site without any content, Complainant also alleges that the passive holding of the Domain Name is bad faith registration, especially because the Domain Name is confusingly similar to Complainant's trademarks. Complainant maintains that because there is no plausible good faith reason for Respondent to use the registered Domain Name, the only intention of using it would be to cause confusion among Internet users about the source of the Domain Name, in an either competitive or detrimental way for Complainant. Complainant also points to the use of the privacy service to hide Respondent's identity, Respondent's use of false information to register the Domain Name, and Respondent's lack of response to Complainant's cease-and-desist letters as establishing bad faith registration.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Although Respondent defaulted, to succeed in this proceeding, paragraph 4(a) of the Policy requires Complainant to prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) 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.

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kasso Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); and see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows:

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 name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

As discussed in the [WIPO Overview 3.0](#), section 1.9, the consensus view is that "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". Similarly, previous UDRP panels have consistently held that "a mere addition or a minor misspelling of Complainant's trademark does not create a new or different mark in which Respondent has legitimate rights". *Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. [D2008-1302](#) ("Such insignificant modifications to trademarks is commonly referred to as 'typosquatting' or 'typo-piracy,' as such conduct seeks to wrongfully take advantage of errors by users in typing domain names into their web browser's location bar.") The spelling errors used in typosquatting have been found to produce domain names that are confusingly similar to the marks which they mimic. See, e.g., *Yahoo! Inc. and GeoCities v. Data Art Corp., DataArt Enterprises, Inc., Stonybrook Investments, Global Net 2000, Inc., Powerclick, Inc., and Yahoo Search, Inc.*, WIPO Case No. [D2000-0587](#). Here, the Domain Name is virtually identical to Complainant's EVEREST GLOBAL trademark differing only by switching the sequential order of the third letter "e" and letter "s" in the term "everest".

Accordingly, the Panel finds that Complainant has met its burden of showing that the Domain Name is confusingly similar to the EVERET GLOBAL Mark in which Complainant has valid subsisting trademark rights.

B. Rights or Legitimate Interest

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.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. 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 Domain Name such as those enumerated in the Policy¹ or otherwise. Complainant demonstrated that there is no evidence in the Whois data for the Domain Name indicating that Respondent has been commonly known by the terms "Everest Global", rather, the Whois data provided by the Registrar which indicated that fake information was provided.

In this matter, Complainant contends that Respondent is not authorized to register the Domain Name or use the EVEREST or EVEREST GLOBAL Mark, nor does Respondent have any affiliation, association, or connection with Complainant. Although Respondent has been properly notified of the Complaint by the Center, Respondent failed to submit a formal response on this point. The silence of a respondent may support a finding that it has no rights or legitimate interests in respect of the domain name. See *Alcoholics Anonymous World Services, Inc., v. Lauren Raymond*, WIPO Case No. [D2000-0007](#); *Ronson Plc v. Unimetal Sanayi ve Tic.A.S.*, WIPO Case No. [D2000-0011](#). Additionally, previous UDRP panels have found that when respondents have not availed themselves of their rights to respond to complainant, it can be

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a contested domain name: "(i) before any notice to you of the dispute, your 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; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

assumed in appropriate circumstances that respondents have no rights or legitimate interests in the domain name at issue. See *AREVA v. St. James Robyn Limoges*, WIPO Case No. [D2010-1017](#); *Nordstrom, Inc. and NIHC, Inc. v. Inkyu Kim*, WIPO Case No. [D2003-0269](#).

This Panel agrees with the viewpoint that to register domain names and park them to earn rental revenue by allowing a third party to use the domain name is not by itself to be considered a bona fide use of the domain name in connection with the offering of goods or services by the registrant of that domain name. *Trade Me Limited v. Vertical Axis Inc*, WIPO Case No. [D2009-0093](#). However, the Panel recognizes that parking webpages may be permissible in some circumstances, as discussed in section 2.9 of [WIPO Overview 3.0](#). However, those factors are not sufficiently present here. There is no evidence that the Domain Name consists of dictionary or common words or phrases that support the pay-per-click links genuinely related to the generic meaning of the Domain name. In fact, the evidence submitted by Complainant shows that the parked page resolving from the Domain Name displayed advertisements for “Gartner Magic Quadrant API”, “Employee Screen Monitoring” and “Network Software Monitoring Tool”. None of these advertisements have a connection with the term “Everset” or “Global”. Instead, the Domain Name appears to have been registered with the intent that confused Internet users searching for Complainant will be directed to Respondent’s parked webpage for commercial gain. Such activity does not provide a legitimate interest in that domain name under the Policy. See *M.F.H. Fejlesztő Korlátolt Felelősségű v. Satoshi Shimoshita*, WIPO Case No. [D2014-1726](#).

Complainant also contends that Respondent does not have a legitimate use of the Domain Name as it currently resolves to a blank page. Previous UDRP panels have found that passive holdings of a domain name does not constitute a legitimate use or interest in the name. See *Philip Morris USA Inc. v. Muhammad Faisal*, WIPO Case No. [D2016-0621](#).

Lastly, Respondent cannot show that their use is a “legitimate noncommercial or fair use” under paragraph 4(c)(iii). The Domain Name resolves to a website with pay-per-click links, which is commercial use. Such activity is not considered a fan site, criticism, or other activity that may be considered legitimate noncommercial or fair. See *Overstock.com, Inc. v. Metro Media*, WIPO Case No. [DME2009-0001](#) (respondent’s use of the disputed domain name to establish a parking page was “plainly not noncommercial”).

Based upon the foregoing, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

Bad faith registration can also be found where respondents “knew or should have known” of complainant’s trademark rights and nevertheless registered a domain name in which they had no right or legitimate interest. See *Accor S.A. v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#). Here, the EVEREST GLOBAL Mark represents the goodwill of an alleged well-known global insurance company that has been in operation since 1973. Based on Complainant’s submission, which was not rebutted, Respondent likely knew of Complainant’s EVEREST GLOBAL Mark when it registered the Domain Name, which is a typo of Complainant’s EVEREST GLOBAL Mark. See *WhatsApp Inc. v. Francisco Costa*, WIPO Case No. [D2015-0909](#) (finding that “it is likely improbable that Respondent did not know about Complainant’s WHATSAPP trademark at the time it registered the Disputed Domain Name considering the worldwide renown it has acquired amongst mobile applications, and the impressive number of users it has gathered since the launch of the WhatsApp services in 2009”). Based on Complainant’s submissions, which were not rebutted or explained by Respondent, the Panel finds that Respondent knew or should have known of Complainant’s EVEREST GLOBAL Mark, when it decided to register the Domain Name.

In addition, Respondent's use of a privacy service supports an inference of bad faith, especially when combined with their provision of false contact information. [WIPO Overview 3.0](#), section 3.6. Further, while the Domain Name does contain three dictionary words, "ever," "set," and "global," there is no logical connection between these terms, especially in relation to the third-party links on the parked page. Without any explanation stating otherwise from Respondent, this makes the typosquatting allegation plausible. Typosquatting by an unaffiliated party itself presumptively creates bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Finally, Complainant contends that the Domain Name changed from a pay-per-click parked page to the current blank site after Respondent received Complainant's cease-and-desist letters. Previous UDRP Panels have found that changing website content after receipt of a cease-and-desist letter supports a finding of bad faith. See *Turner Network Television, Inc. v. Expired Domain Resource****Maybe For Sale on Dynadot Marketplace****c/o Dynadot*, WIPO Case No. [D2018-1036](#).

Based on the uncontested facts discussed in the previous sections, Respondent does not appear to have any rights or legitimate interests in the Domain Name nor does there appear to be any justification for Respondent's choice to register the Domain Name and to have provided false contact information. Accordingly, on balance, there does not appear to be any other reason for Respondent's registration of the Domain Name other than for the possibility to trade off the goodwill and reputation of Complainant's EVEREST GLOBAL Mark or otherwise create a false association with Complainant. With no response from Respondent, this claim is undisputed. The Panel finds that Complainant has 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 Domain Name, <eversetglobal.com>, be transferred to Complainant.

/John C McElwaine/

John C McElwaine

Sole Panelist

Date: May 28, 2024