

ADMINISTRATIVE PANEL DECISION

Asurion, LLC v. Scah Collins
Case No. D2024-1285

1. The Parties

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

Respondent is Scah Collins, United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 26, 2024. On March 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 2024, 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 Complainant on providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 29, 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 April 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 25, 2024.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on May 1, 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 offers insurance, technology, mobile phone replacement, configuration, technical support, IT consultation, and related products and services under the trademark ASURION. Complainant has been active since 1994 and has used the ASURION trademark since at least 2001. Complainant advertises and sells its products and services through its principal website at <asurion.com> and related websites. Complainant's website receives over 7.9 million visits annually. Complainant has served over 280 million consumers worldwide, and its services are made available by retailers worldwide, including by some of the largest retailers in the United States. Complainant has fourteen locations in North and South America, two locations in Europe, two in Australia, and ten in Asia, including China, Japan, Israel, Malaysia, the Philippines, Singapore, Taiwan Province of China, and Thailand.

Complainant owns registrations for the mark ASURION in numerous jurisdictions. Complainant's United States registrations for the mark ASURION include the following:

Registration No. 2698459, registered March 18, 2003;
Registration No. 4179272, registered July 24, 2012;
Registration No. 4997781, registered July 12, 2016; and
Registration No. 6010609, registered March 17, 2020.

In addition to <asurion.com>, Complainant and its licensees own many domain names incorporating the ASURION mark, including the following:

<asurion.biz>, <asurion.co>, <asurion.net>, <asurion.org>, <asurion.repair>, <asurion.support>, <asurionclaim.com>, and <asurion-mobile.com>, among others.

The disputed domain name was registered on March 20, 2024. Shortly thereafter, the disputed domain name directed to a website prominently displaying Complainant's ASURION trademark and advertising a "VP FINANCE Job Opening." Complainant received report that the disputed domain name had been used to message unsuspecting job applicants on LinkedIn and directed them to apply for the purported job opening on the website located at the disputed domain name. On March 25, 2024, Complainant reported the disputed domain name to the Registrar for phishing. The disputed domain name also has an active Mail Exchange ("MX") record, indicating that Respondent may be using the disputed domain name to send phishing emails.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that the disputed domain name is identical or confusingly similar to Complainant's ASURION mark and incorporates the ASURION mark in its entirety, that Respondent has no rights or legitimate interests in respect of the disputed domain name and that the disputed domain name has been registered and is being used in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed in its claim, Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

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

Paragraph 15(a) of the Rules instructs the Panel to decide a complaint "on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

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.

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 entirety of Complainant's mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the addition of the term "platform" does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. Likewise, the addition of the generic Top-Level Domain ".pro" does not prevent a finding of confusing similarity.

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.

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed 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 disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity as claimed here, for the purpose of impersonating Complainant in potential fraudulent phishing emails and job posts, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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, Complainant submits that Respondent is not and has never been a licensee or franchisee of Complainant. Complainant has never authorized Respondent to register or use Complainant's ASURION mark. There is no evidence in the record that Respondent has been commonly known by the disputed domain name. Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, or in a legitimate noncommercial or fair manner. Respondent has been using the disputed domain name to impersonate Complainant by contacting unsuspecting job applicants via LinkedIn (and likely also by email) and directing them to apply to the position on the website at the disputed domain name, presumably to collect sensitive personal information from those applicants.

Panels have held that the use of a domain name for such illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 disputed domain name <asurionplatform.pro> be transferred to Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: May 15, 2024