

ADMINISTRATIVE PANEL DECISION

MHG Services Inc. v. hcbru99e hcbru99e, hcbru99e LTD
Case No. D2024-1344

1. The Parties

The Complainant is MHG Services Inc., United States of America (“United States”), represented by SafeNames Ltd., United Kingdom.

The Respondent is hcbru99e hcbru99e, hcbru99e LTD, United States.

2. The Domain Name and Registrar

The disputed domain name <mhgInsurance.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 28, 2024. On April 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 3, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 April 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 5, 2024.

The Center appointed Evan D. Brown as the sole panelist in this matter on May 11, 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 Complainant is in the business of providing insurance brokerage and advisory services. The Complainant asserts that it has common law rights in the MHG INSURANCE mark based upon various factors, including the offering of various insurance products under the mark, operation of its website using the domain name <mhginsurance.com> since 2010 featuring the mark MHG INSURANCE, marketing materials such as brochures, publication of research findings, social media presence, and presence at industry events and conferences.

According to the Whois records, the disputed domain name was registered on May 25, 2023. As of the filing of the Complaint, the disputed domain name did not resolve to an active website. The Complainant has provided evidence, however, that the Respondent has set up MX Records associated with the disputed domain name, suggesting that the Respondent could engage in harmful activity through email distribution to unsuspecting customers. On February 9, 2024, the Complainant's representative sent a cease and desist letter to the Respondent, to which the Respondent did not reply. Moreover, the Complainant asserts and has submitted evidence that the Respondent has engaged in a pattern of registering typosquatted domain names that resemble the marks of famous brands and other companies in the Complainant's industry.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed 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 the Complainant has rights, (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

The Panel finds the Complainant has unregistered or common law rights in the MHG INSURANCE mark for purposes of the Policy based on how the Complainant has used that mark in commerce. Though the Complainant does not have a registration for the mark, the Panel notes that the Complainant has used the mark in commerce in ways that establish trademark rights. For example, it has offered various insurance products under the mark, operated its website since 2010 featuring the mark MHG INSURANCE, distributed marketing materials such as brochures, published research findings, maintained a social media presence,

and has been present at industry events and conferences. The Respondent has not challenged the sufficiency of the Complainant's use of the MHG INSURANCE mark.

Moreover, the disputed domain name is clearly a deliberate misspelling of the Complainant's domain name. Consistent with UDRP panel practice, the Panel finds that Respondent has deliberately targeted the Complainant's mark, and this fact supports a finding that the Complainant's mark has achieved significance as a source identifier for purposes of the Policy. [WIPO Overview 3.0](#), sections 1.3; *The Hand Group LLC v. See PrivacyGuardian.org, Domain Administrator*, WIPO Case No. [D2023-3378](#).

The disputed domain name is confusingly similar to the Complainant's mark. In particular, the only difference between the disputed domain name and the MHG INSURANCE mark results from a minor misspelling (the replacement of the "i" in the word "insurance" with the visually similar letter "l"). Such insignificant modifications to trademarks are commonly referred to as "typosquatting", as such conduct seeks to wrongfully take advantage of errors by Internet users. See *Six Continents Hotels, Inc. v. null John Zuccarini d/b/a Country Walk*, WIPO Case No. [D2003-0161](#). "Domain names which constitute typo-squatting are confusingly similar by definition; it is this similarity which makes them attractive." *Dell Computer Corp. v. Clinical Evaluations*, WIPO Case No. [D2002-0423](#); see also *American Home Products Corporation v. Privateer Ltd.*, WIPO Case No. [D2000-0455](#) (<addvil.com> confusingly similar to ADVIL); *Nelson Mullins Riley & Scarborough LLP v. Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf / Mike Dave, NelsonNeded*, WIPO Case No. [D2022-1636](#) (<nelsonmulillns.com> confusingly similar to NELSON MULLINS).

For the foregoing reasons, the Panel finds that this first element of the Policy has been satisfied.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) the Respondent does not have any trademark rights to the term "mhginsurance" nor any similar term, (2) the Respondent has not received any license or permission from the Complainant to use a domain name featuring the MHG INSURANCE trademark, (3) the Respondent has not been known by the disputed domain name, and (4) the Respondent has not used the disputed domain name in connection with any bona fide offering of goods or services. Moreover, given that the disputed domain name is a typosquatting variation of the Complainant's trademark and domain name <mhginsurance.com>, such composition is inherently misleading and reflects the Respondent's intent to mislead Internet users into believing that the disputed domain name is that of the Complainant's. The presence of active MX records reinforces the implied threat hanging over the head of the Complainant that the Respondent's control of the disputed domain name represents, particularly since any emails sent from the disputed domain name could certainly be mistaken as being sent from the Complainant's domain name given the visually similar, one-letter difference.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this prima facie showing. And nothing in the record otherwise tilts the balance in the Respondent's favor.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the evidence the Complainant has submitted shows bad faith registration and use of the disputed domain name. Given the apparently intentional misspelling of the Complainant's mark by the

Respondent when it registered the disputed domain name, it is clear that the Respondent was targeting the Complainant and its mark. The Panel cannot conceive of any good faith use to which this inherently confusing disputed domain name could be put, particularly given the implied threat the active MX records represent to the Complainant and Internet users misled by said potential emails. These facts also support bad faith use of the disputed domain name. The Respondent's bad faith is further demonstrated by the failure to respond to the Complainant's cease and desist letter. And bad faith is further underscored by the information the Complainant provided showing that the Respondent has registered other domain names that are confusingly similar to well-known brands and competitors of the Complainant.

Accordingly, the Panel finds that the Complainant has established this third element under 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 <mhgInsurance.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: May 25, 2024