

ADMINISTRATIVE PANEL DECISION

National General Holdings, Corp. v. Jamie CK
Case No. D2024-1840

1. The Parties

The Complainant is National General Holdings, Corp., United States of America (“United States”), represented by SILKA AB, Sweden.

The Respondent is Jamie CK, United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 1, 2024. On May 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 2, 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 / PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 6, 2024, 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 amendment to the Complaint on May 6, 2024.

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 May 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 3, 2024.

The Center appointed Steven Auvil as the sole panelist in this matter on June 10, 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

According to the Complaint, the Complainant is an American insurance company founded in 1920 and is a subsidiary of the Allstate Corporation. The Complainant is headquartered in Winston Salem, North Carolina, United States and is in the personal and commercial auto insurance business. According to the Complaint, the Complainant has over 55,000 independent agents, with approximately 10,000 employees and offices throughout the United States. According to the Complaint, the Complainant has used the name "National General Holdings, Corp." since 2009 and "National General Insurance" since 2013.

According to the Complaint, the Complainant owns trade and service marks in connection with the NATIONAL GENERAL brand, including United States Registration Nos. 4646799, registered on November 25, 2014, 4642728, registered on November 18, 2014, 4867462, registered December 8, 2015, 6610616, registered on January 11, 2022, and 6610617 also registered on January 11, 2022. The Complainant also owns the domain name <nationalgeneral.com>, used to advertise its insurance offerings to customers, and also <careers.nationalgeneral.com>, used to advertise its employment vacancies. According to the Complaint, the Complainant also has a strong social media presence on LinkedIn with over 60,000 followers.

The disputed domain name was registered on April 9, 2024. According to the Complaint, the disputed domain name is being used to impersonate the Complainant, purporting to offer employment opportunities with the Complainant.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to its NATIONAL GENERAL mark because the disputed domain name incorporates the entirety of the Complainant's NATIONAL GENERAL mark, followed by the word "career." The Complainant contends that from a side-by-side comparison, the Complainant's mark is recognizable.

The Complainant also asserts that the Respondent has no rights or legitimate interest in the disputed domain name. The Complainant contends that the Respondent has not used, nor is it prepared to use the disputed domain name in connection with a bona fide offering of goods or services, nor a legitimate non-commercial or fair use. The Complainant further alleges that the Respondent has not been commonly known by the disputed domain name or any similar name, nor has the Complainant licensed or consented to the Respondent's use of the NATIONAL GENERAL mark.

The Complainant also alleges that the Respondent registered the disputed domain name in bad faith as the disputed domain name incorporates the entirety of the Complainant's NATIONAL GENERAL mark in an effort to confuse job seekers who believe they are engaging with a domain name owned and maintained by the Complainant. The Complainant contends that the disputed domain name has been used to send emails impersonating the Complainant, purporting to offer employment opportunities in an attempt to solicit confused job seekers' personal information. The Complainant alleges that the Respondent has also tendered fake employment contracts to confused job seekers including the Complainant's NATIONAL GENERAL mark.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not file a Response to the Complainant's contentions.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: “[a] Panel shall 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.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following to obtain relief:

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

In view of the Respondent's failure to submit a Response, the Panel is entitled to accept as true the allegations set forth in the Complaint (unless the evidence is clearly contradictory), and to derive reasonable inferences from the evidence presented. See *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#).

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the allegations and evidence contained in the Complaint and reasonable inferences drawn from the evidence presented.

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 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.

The evidence submitted by the Complainant supports the conclusion that the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. The Complainant owns several United States service marks for NATIONAL GENERAL, the earliest of those registered in 2014. [WIPO Overview 3.0](#), section 1.2.1.

As set forth in [WIPO Overview 3.0](#), section 1.7, when the entirety of a mark is reproduced within the disputed domain name, or “at least a dominant feature of the relevant mark is recognizable in the domain name,” the disputed domain name is deemed confusingly similar to the mark for the purposes of the Policy. Further, section 1.8 of [WIPO Overview 3.0](#) states that “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”

Here, the entirety of the mark is reproduced within the disputed domain name, with the additional term “career” and the generic Top-Level Domain (“gTLD”) “.com”. The Panel finds the mark is recognizable 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.

Although the addition of other terms - here, “career” - may bear on assessment of the second and third elements, the Panel finds the addition of such term 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;

see also *Bayer AG v. Melissa Solis, Bayer / Melissa Solis, Bayer Careers / Melissa Solis, bayer careers / Melissa Solis, Baye*, WIPO Case No. [D2022-4127](#); *Arkema France v. Katherine Westerman, arkema.com, zanaido morales, Careers-arkema.com, Brenda Harper*, WIPO Case No. [D2023-4686](#).

Additionally, as set forth in section 1.11.1 of [WIPO Overview 3.0](#), the applicable gTLD (e.g., “.com”, “.site”, “.info”, “.shop”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. As such, the use of “.com” in the disputed domain name has no bearing on establishing identity or confusing similarity here. See *Ally Financial Inc. v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-2037](#).

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 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 that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Further, the Respondent has not rebutted the Complainant’s prima facie showing; in fact, Respondent 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. For example, there is no evidence that the Complainant has licensed or otherwise authorized the Respondent’s use of the NATIONAL GENERAL mark as a domain name, nor is there evidence that the Respondent has any affiliation, association, sponsorship, or connection with the Complainant.

Further, panels have held that the use of a domain name for illegal activity, such as the phishing and impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Here, the evidence demonstrates that Respondent has used the disputed domain name in an attempt to pass off and impersonate the Complainant purporting to offer employment with the Complainant.

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, is evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel concludes that Respondent registered and used the disputed domain name in bad faith. For starters, the Respondent copied the Complainant’s widely known NATIONAL GENERAL mark and included it in the disputed domain name, resulting in confusing similarity and a risk of implied affiliation. This alone reflects registration and use in bad faith.

Moreover, panels have also held that the use of a domain name for illegal activity, such as impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent has engaged in illegal acts associated with the disputed domain name, including using the disputed domain name to impersonate the Complainant and attempting to engage job seekers in an apparent phishing scheme to deceive them.

The Panel finds that the 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 <nationalgeneralcareer.com> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: June 24, 2024