

ADMINISTRATIVE PANEL DECISION

The Manufacturers Life Insurance Company v. Dirk Zagers
Case No. D2024-2899

1. The Parties

The Complainant is The Manufacturers Life Insurance Company, Canada, represented by ZeroFox, United States of America (“United States”).

The Respondent is Dirk Zagers, Germany.

2. The Domain Name and Registrar

The disputed domain name is <manulife.com> registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 16, 2024. On July 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 19, 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 August 15, 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 August 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 12, 2024.

The Center appointed Andrew Brown K.C. as the sole panelist in this matter on September 19, 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 a company headquartered in Toronto, Canada. It is a multinational insurance company and the largest insurance company in Canada. It has approximately 38,000 employees and CAD 1.4 trillion assets under management. It has been operating for over a century. Worldwide the Complainant serves some 26 million customers.

The Complainant states that it possesses multiple registered and well-known trademarks.

The relevant registrations of the Complainant (the “MANULIFE Trademark”) include:

Country	Number	Trademark	Registration Date	Class
Canada	TMA385240	MANULIFE	May 31, 1991	9, 16, 35, 36, 37, 41, and 44
European Union	000540989	MANULIFE	July 09, 1999	16, 36, and 41
United States	6203050	MANULIFE	November 24, 2020	36

The Complainant registered its domain name <manulife.com> in 1994.

The disputed domain name was registered on June 1, 2024. A website is located at the disputed domain name, displaying the Complainant’s MANULIFE Trademark and purportedly offering financial services.

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 identical or confusingly similar to its MANULIFE Trademark. The disputed domain name replaces the letter “i” with an i-circumflex.

The Complainant states that the disputed domain name incorporates or refers to its MANULIFE Trademark.

The Complainant states that the Respondent has not used the disputed domain name in any bona fide offering of goods or services. The disputed domain name has featured a website with content portraying the Respondent as a legitimate finance company. The Complainant further states that the content of the website at the disputed domain name has been almost entirely written using ChatGPT. It states that the Respondent has created an almost entirely AI-generated website to give the impression of an official website.

The Complainant claims that every detail on the web page located at the disputed domain name shows that the disputed domain name was registered for the purpose of impersonating it, in order to trick customers into making contact or giving credibility to a phishing address. The Complainant states that this does not provide a legitimate interest in the disputed domain name.

Finally, the Complainant says that there is no noncommercial or fair use by the Respondent of the disputed domain name and that it is highly unlikely that the Respondent is known by the disputed domain name. Overall, the Complainant says there is no evidence to show that the Respondent has any rights or legitimate interests in the disputed domain name. The Complainant has never licensed or authorized the Respondent to use its MANULIFE Trademark or to imply any connection with the Complainant.

Finally, the Complainant asserts that the disputed domain name has been registered and is being used in bad faith. The Complainant states that the Respondent registered the disputed domain name to impersonate it. The “manulife” referred to the disputed domain name provides the same service within the Complainant's industry. The Complainant says the Respondent's unauthorized use of its MANULIFE Trademark is not only harmful to its reputation and goodwill but also creates a situation where business is and will be diverted from the Complainant's official site. The Complainant also states that the Respondent is using its MANULIFE Trademark for the Respondent's own gain.

B. Respondent

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

6. Discussion and Findings

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 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 Panel finds that the Complainant's MANULIFE Trademark is clearly recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's MANULIFE Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The use of non-Latin internationalized or accented characters such as “i” at this case, does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.9.

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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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.

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 was registered in bad faith for the following reasons:

- (a) The Panel finds that the Complainant's MANULIFE Trademark has an established reputation. The Complainant has been using this trademark for over two decades and it is well-known in multiple jurisdictions. The Complainant was well-known amongst consumers well before the date of registration of the disputed domain name on June 1, 2024.
- (b) More particularly, the Respondent clearly knew of the Complainant's MANULIFE Trademark when he registered the disputed domain name. As discussed in the next section, this is evidenced by the totality of the circumstances. In particular, the Panel relies on the fact that shortly after registration the Respondent established a website linked to the disputed domain name. This website was designed to make Internet users believe that the disputed domain name was connected with the Complainant or licensed by it. More particularly, the content of the website uses the full trademark MANULIFE i.e. without the i-circumflex feature of the disputed domain name. This clearly shows full knowledge of the Complainant and its trademark rights in the MANULIFE Trademark.

The Panel is also satisfied that the Respondent is using the disputed domain name in bad faith for the following reasons:

- (a) As just detailed, the Complainant has provided evidence that the disputed domain name is being used to intentionally attempt to attract Internet users for commercial gain and to deceive persons as part of a phishing scheme and as an instrument of fraud. The Panel is satisfied that Internet users encountering or finding the disputed domain name will be deceived and confused into thinking that this is the Complainant's genuine site or is licensed or authorized by the Complainant when this is not the case.
- (b) The use of a proxy shield by a respondent to shield identities has been regarded by previous panels as demonstrating both bad faith registration and use. In the circumstances of this case, the Panel considers that the use of the "Super Privacy Service LTD c/o Dynadot" by the Respondent may properly taken into account as a further relevant factor showing bad faith use.
- (c) The Panel was also entitled to draw and does draw an adverse inference from the failure of the Respondent to respond to the Complaint and to the factual allegations made by the Complainant.

The Panel finds the third element of the Policy has been established.

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 <manulife.com> be transferred to the Complainant.

/Andrew Brown K.C./

Andrew Brown K.C.

Sole Panelist

Date: September 24, 2024