

## ADMINISTRATIVE PANEL DECISION

Tempcover Ltd v. Waleed Butt  
Case No. D2024-3277

### 1. The Parties

The Complainant is Tempcover Ltd, United Kingdom (“UK”), represented by AA Thornton IP LLP, UK.

The Respondent is Waleed Butt, UK.

### 2. The Domain Name and Registrar

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

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 9, 2024. On August 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 12, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 13, 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 16, 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 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2024.

The Center appointed Ian Lowe as the sole panelist in this matter on September 13, 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 part of the RVU Group of companies whose brands include USwitch and Confused.com. Established in 2006, the Complainant arranges short term flexible motor insurance for car and van drivers. It has operated under the TEMPCOVER trademark since 2010. In 2016, it sold its 2 millionth insurance policy.

The Complainant is the proprietor of UK trademark number 2515637 TEMPCOVER.COM registered on December 4, 2009 and UK trademark number 3399923 figurative mark “tempcover” registered on August 16, 2019.

The Complainant has won a number of industry awards, including British Insurance Awards 2020 – Brand Management Award, and Insurance Times Awards 2020 – B2C Marketing Campaign of the Year.

The Complainant operates a website at “www.tempcover.com” selling its services, which are also offered by some of the UK’s largest price comparison websites, including USwitch, Compare the Market, and “www.money.co.uk”.

The Domain Name was registered on January 23, 2023. It redirects to the Complainant’s website at “www.tempcover.com”.

#### **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.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

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

##### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The 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.

Based on the available evidence, the Panel finds 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 Domain Name comprises the entirety of the Complainant's TEMPCOVER.COM trademark with the addition of the word "insurance", and ignoring the generic Top-Level Domain ".com", the Domain Name comprises the entirety of the Complainant's TEMPCOVER trademark again with the addition of the word "insurance". The Panel finds that this addition does not prevent a finding of confusing similarity between the Domain Name and the Complainant's trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the Panel finds that the first element required under 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 that 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. Accordingly, 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.

The Respondent has not used the Domain Name for a bona fide offering of goods or services, but to redirect to the Complainant's genuine website. In the Panel's view, such use cannot give rise to rights or legitimate interests in respect of the Domain Name.

Having reviewed the available evidence, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

Accordingly, 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 light of the notoriety of the Complainant's TEMPCOVER name and trademark, and the Respondent's using the Domain Name to redirect to the Complainant's website, the Panel considers it inconceivable that the Respondent did not have the Complainant and its rights in the trademark in mind when it registered the Domain Name.

As noted in [WIPO Overview 3.0](#), section 3.1.4, panels have found that a respondent redirecting a domain name to the complainant's website can establish bad faith in that so long as the respondent retains control of the redirection this creates a real or implied ongoing threat to the complainant. The Complainant argues in particular that the Respondent may keep the redirection in place to establish trust in the Domain Name on

the part of Internet users, and then use it for a different website to attract consumers away from the Complainant's website or for unlawful activity and, in any event, for commercial gain.

The Panel agrees with this reasoning and accordingly finds that 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 Domain Name <tempcoverinsure.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: September 27, 2024