

## ADMINISTRATIVE PANEL DECISION

Allstate Insurance Company v. 杨智超 (Zhichao Yang)  
Case No. D2024-3780

### 1. The Parties

The Complainant is Allstate Insurance Company, United States of America (“United States”), represented by SILKA AB, Sweden.

The Respondent is 杨智超 (Zhichao Yang), China.

### 2. The Domain Name and Registrar

The disputed domain name <allstateautopolicyupdate.com> is registered with Alibaba Cloud Computing (Beijing) Co., Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on September 17, 2024. On September 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 18, 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 (Not Disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 18, 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 in English on September 18, 2024.

On September 18, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On September 18, 2024, the Complainant requested English to be the language of the proceeding.

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 September 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 15, 2024.

The Center appointed Hong Yang as the sole panelist in this matter on October 22, 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 an insurance company founded in the United States since 1931, with 194 million policies in force protecting properties and persons ranging from cars, homes to health and lives. It has approximately 53,400 employees, 9,100 exclusive agents and agent support staff, 20,200 licensed sales professionals and 50,900 independent agents. It reportedly ranked 73rd in the 2023 Fortune 500 list of the largest United States corporations by total revenue.

The Complainant is the proprietor of a portfolio of trademarks containing the wording ALLSTATE, covering multiple jurisdictions, including the following: United States Registration No. 717683 for ALLSTATE, registered on June 27, 1961; European Union Trade Mark No. 000040527 for ALLSTATE, registered on February 12, 1998; and, China Trademark Registration No. 1631728 for 好事达 ALLSTATE, registered on September 7, 2001.

The Complainant operates an official website containing the subdomain: "www.allstate.autopolicyupdate.com", which is administered by a third party on behalf of the Complainant.

The disputed domain name was registered on June 11, 2020. The evidence submitted by the Complainant shows that, at the time of filing of the Complaint, the disputed domain name resolved to website pages with Pay-Per-Click ("PPC") links containing insurance promotion information, which redirected to advertisements and website link purportedly from a third-party insurance provider.

#### **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**

##### **6.1 Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that: (1) the disputed domain name is formed by letters in Roman characters (ASCII) and not in Chinese script; (2) the disputed domain name and the PPC links displayed under it are in English language, including words such as “policy” and “update”, suggesting that the Respondent is familiar with English language; (3) the Complainant is unable to communicate in Chinese. The use of Chinese would incur translation expenses causing higher than overall costs, and impose a burden on the Complainant in view of economic costs of these proceedings.

The Respondent had, moreover, been notified by the Center, in both Chinese and English, of the language of the proceeding, and the deadline for filing a Response in Chinese or English. The Respondent did not make any specific submissions with respect to the language of the proceeding, nor did the Respondent file any Response.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## **6.2 Substantive Issues**

### **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 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 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, “autopolicyupdate”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

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 notes that the composition of the disputed domain name itself carries a risk of implied affiliation, referring to the main type of services marketed by the Complainant and indicating an intention. Under such circumstances, panels have held that such composition cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1. Further, available record shows that the Respondent is not affiliated or otherwise authorized by the Complainant or held any registration of the ALLSTATE mark anywhere. There is no evidence indicating that the Respondent might be commonly known by the disputed domain name.

The disputed domain name resolved to a parked page comprising PPC links with sponsored information seemingly related to the Complainant's typical fields of business, which redirected to advertisements and third-party websites purportedly from the competitor of the Complainant. The Respondent has likely gained unlawful revenues from PPC links targeting the Complainant, and such use cannot constitute any legitimate noncommercial or fair use of the disputed domain name. Panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

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 Respondent has used, without any license or authorization the Complainant's trademark in full, in the disputed domain name plus the term "autopolicyupdate" which corresponds to the Complainant's main type of services. Particularly, the term added by the Respondent is exactly identical to a subdomain of the Complainant's official website operated through an authorized third party. The Complainant's trademark ALLSTATE is well known in its industry and the Complainant's registration and use of its mark well predates the Respondent's registration of the disputed domain name, including in the jurisdiction where the Respondent allegedly resided, so the Respondent knew or should have known of the Complainant's mark at the time of registering the disputed domain name. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4

Available record also shows that, PPC links on the Respondent's website under the disputed domain name relate to the Complainant's main field of business (i.e., insurance) and redirect Internet users to promotions and contents about those appearing to be direct competitor of the Complainant, as well as its sponsored website link. The Panel is convinced that the Respondent targets the Complainant to attract Internet users to its website by creating a likelihood of confusion and intends to take unfair profits from the Complainant's famous ALLSTATE mark. The disputed domain name was thus registered and used in bad faith, according to paragraph 4(b)(iv) of the Policy.

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 <allstateautopolicyupdate.com> be transferred to the Complainant.

*/Hong Yang/*

**Hong Yang**

Sole Panelist

Date: November 5, 2024