

ADMINISTRATIVE PANEL DECISION

Asurion, LLC v. Quan Zhongjun, Juanita Co.
Case No. D2024-4299

1. The Parties

The Complainant is Asurion, LLC, United States of America, represented by Adams and Reese LLP, United States of America (“US”).

The Respondent is Quan Zhongjun, Juanita Co., China.

2. The Domain Name and Registrar

The disputed domain name <asurionn.com> is registered with Cosmotown, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 18, 2024. On October 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 20, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on October 21, 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 amended Complaint on October 23, 2024.

The Center verified that the Complaint together with the amended 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 October 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 13, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 14, 2024.

The Center appointed Luis Miguel Beneyto Garcia-Reyes as the sole panelist in this matter on November 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 a leading company in the sectors of insurance, technology, mobile phone replacement, configuration, technical support, IT consultation, and related products and services.

The Complainant is the owner among others, of the following trademark registrations, protecting the term ASURION as the only word element:

US registration n°2698459 ASURION, registered on March 18, 2003;

US registration n°4179272 ASURION, registered on July 24, 2012;

US registration n°4997781 ASURION, registered on July 12, 2016.

The disputed domain name was registered on February 10, 2018, and resolves to a parked page with pay-per-click ("PPC") links.

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 Complainant is a leading entity in the sectors of insurance, technology, mobile phone replacement, configuration, technical support, IT consultation, and related products and services under the ASURION mark.

The Complainant has been using the trademark ASURION since at least 2001 and advertises and sells its products and services through its website at its own domain name <asurion.com> and related websites, as well as through print media and other advertising and promotional campaigns.

The Complainant has attended more than 280 million consumers worldwide, and its services are made available by retailers worldwide, including some of the largest retailers in the US. It also has more than seven-hundred locations throughout the US, as well as other offices throughout North and South America, Europe, Australia, and Asia.

The Complainant is the owner and proprietor of the registered ASURION trademark in many jurisdictions like Argentina, Australia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, the European Union, Guatemala, Honduras, India, Indonesia, Israel, Japan, Malaysia, Mexico, New Zealand, Nicaragua, Panama, Paraguay, Peru, the Philippines, Puerto Rico, Republic of Korea, Singapore, Taiwan Province of China, Thailand, Trinidad and Tobago, the United Kingdom, the US, Uruguay, and Hong Kong, China.

The disputed domain name is identical or confusingly similar to Complainant's ASURION mark. The disputed domain name <asurionn.com> includes the ASURION mark in its entirety and differs from the Complainant's domain name <asurion.com>, only by the inclusion of an additional letter "n" after the ASURION mark.

“Asurionn” is not the Respondent’s name and the Respondent is not and has never been commonly known as “Asurionn”; it has never been a licensee or franchisee of the Complainant; it has never been authorized by the Complainant to register or use the Complainant’s ASURION mark or to apply for or use, nor is using the domain name in dispute in connection with a bona fide offering of goods or services, so none of the circumstances provided in Paragraph 4(c) of the Policy for demonstrating a respondent’s rights to and legitimate interests in a domain name are present in this case.

ASURION is a highly distinctive and reputed mark associated to the Complainant, so it is not plausible to conclude that the Respondent was unaware of the Complainant at the time of obtaining registration of the disputed domain name in dispute, which was redirected to a parking page showing a PPC links offering services related to those of the Complainant.

Consequently, the disputed domain name is being used in bad faith as the intention is to divert Internet users to a commercial page that includes links to services identical or related to those offered under the Complainant’s mark ASURION.

B. Respondent

The Respondent did not reply to the Complainant’s contentions

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove: i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; ii) that the Respondent has no rights or legitimate interests in respect of the domain name; and iii) that the Respondent has registered and used the domain name in bad faith.

A. Identical or Confusingly Similar

The Complainant has established its prior rights in the mark ASURION protected by several trademark registrations in which this word ASURION is the only word element.

The disputed domain name includes the trademark ASURION in its entirety, with an additional letter “n” at the end. Undoubtedly, the trademark is clearly recognizable within the disputed domain name.

It is unquestionable, therefore, that the disputed domain name <asurionn.com> is confusingly similar to the Complainant’s trademark.

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.

The Respondent has not filed a response to the Complaint.

Having examined the file and all the circumstances and facts contained therein, this Panel finds that:

- In view of the established reputation of the Complainant's ASURION trademark, it is not reasonable to believe that the Respondent has any rights or legitimate interests in the disputed domain name, nor to conclude that the Respondent created by chance the term "Asurionn" in order to be protected as a domain name.
- The disputed domain name includes the Complainant's distinctive trademark in its entirety.
- The Complainant has established a prima facie case of the Respondent's lack of rights or legitimate interests.
- The absence of a formal Response to the Complaint means that the Respondent has not rebutted the Complainant's prima facie case of lack of rights or legitimate interests.
- The PPC links on the website at the disputed domain name are related to the Complainant's fields of activity, and therefore does not represent a bona fide offering of goods or services.

The Panel therefore finds that the Complainant has also satisfied the second requirement of paragraph 4 of the Policy, by failing to establish in any way the existence of any rights or legitimate interests in favor of the Respondent in connection with the disputed domain name.

C. Registered and Used in Bad Faith

The Panel finds that the Complainant has submitted sufficient evidence to conclude that there is indeed bad faith registration and use of the disputed domain name on the part of the Respondent.

This conclusion is reached if we take into account:

- the Complainant's trademark ASURION is reputed in its sector. The Respondent's registration of the disputed domain name (which includes the Complainant's trademark in its entirety, simply adding a letter "n" at the end). The Panel's conclusion is that the Respondent must have been aware that it was appropriating a name that was virtually identical to a reputed mark of a third party.
- the Complainant has accredited (Annex 3 of the Complaint) that the disputed domain name was indeed used to promote services identical or similar to those associated to the Complainant. Currently, the website identified by the disputed domain name also contains PPC links.

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 <asurionn.com> be transferred to the Complainant.

/Luis Miguel Beneyto Garcia-Reyes/

Luis Miguel Beneyto Garcia-Reyes

Sole Panelist

Date: December 16, 2024