

ADMINISTRATIVE PANEL DECISION

Root, Inc. v. Shi Lei
Case No. D2025-0329

1. The Parties

The Complainant is Root, Inc., United States of America (“United States”), represented by ZeroFox, United States.

The Respondent is Shi Lei, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 28, 2025. On January 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 29, 2025, 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 4, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant did not file an amendment.

The Center verified that 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 February 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 14, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on March 21, 2025. 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.

While the Complainant did not file any amendment in response to the Center's invitation regarding the registrant information, the Panel finds that the Registrar-disclosed registrant, Shi Lei, is the appropriate Respondent in the proceeding.

4. Factual Background

The Complainant is a corporation located in the United States. It is a provider of car insurance services online.

The Complainant is the owner of various United States and Canada registrations for the trademark ROOT, including United States trademark registration number 5369824 for the word mark ROOT, registered on January 2, 2018, for insurance services in International Class 36.

The Complainant operates websites at "www.root.com" and "www.joinroot.com". It states that it has used the latter URL since June 2015, although it provides no evidence to that effect. However, based on the Panel's review at "www.web.archive.org", a website relating to car insurance was active at that URL from at least July 16, 2015.¹

The disputed domain name was first registered on October 25, 2016. The Complainant exhibits a Whois record stating that it was updated on December 29, 2024, which the Complainant claims (without further evidence) to represent a change of ownership. The Panel notes that an "updated" entry in a Whois record could relate to various changes in the registration details other than ownership.

The disputed domain name has resolved to a parking page, including what appear to be pay-per-click ("PPC") links to insurance services.

5. Parties' Contentions

A. Complainant

The Complainant states that it has offered "mobile first" insurance services since 2015 and that it has spent extensive time and resources in cultivating a strong reputation and goodwill among customers. However, save for identifying the URLs referred to above, it does not provide any further information concerning its business.

The Complainant submits that the disputed domain name is confusingly similar to its ROOT trademark. It contends that the disputed domain name wholly incorporates that trademark, and that the addition of the term "carinsurance" does not distinguish the disputed domain name from it. The Complainant submits that the addition of that term will indeed increase the likelihood of confusion, as it is descriptive of the Complainant's business services.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It contends that it has never authorized the Respondent to use its ROOT trademark, and that

¹As discussed in section 4.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

the disputed domain name has never hosted content that would qualify as a bona fide commercial use or as a noncommercial fair use.

The Complainant submits that the use of the disputed domain name for the purpose of PPC advertising does not give rise to rights or legitimate interests and, further, that the Respondent has configured mail exchange ("MX") records on the disputed domain name, suggesting an intention to engage in email communications under the guise of the Complainant.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It contends that the Respondent was clearly aware of the Complainant's insurance business under the mark ROOT, and that it registered the disputed domain name purely for the purpose of leveraging the goodwill in that trademark for its own commercial gain.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

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

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of trademark registrations in respect of the mark ROOT. The disputed domain name wholly incorporates that trademark, together with the dictionary words "car" and "insurance", neither of which prevent the Complainant's mark from being recognizable within the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

Nor does the Respondent's use of the disputed domain name give rise to rights or legitimate interests on its part. While a domain name may in certain circumstances be used for the purpose of PPC links relating to the dictionary meaning of terms which it comprises, the same does not apply to a domain name which targets specific third-party trademark rights. As further discussed below, the Panel finds that the disputed domain name was registered in order to target the Complainant's trademark rights.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

Despite the paucity of evidence of the Complainant's trading activities, the Panel finds that it has offered car insurance services online under the trademark ROOT since at least July 2015. In these circumstances, and in light of the Respondent having failed to provide any explanation for its choice of the disputed domain name, the Panel determines on the balance of probabilities that the Respondent was aware of the Complainant's trademark and business when it registered the disputed domain name, and did so for the purpose of taking unfair advantage of the Complainant's trademark rights.

The Panel further finds that, by combining the Complainant's ROOT trademark with reference to the car insurance services which the Complainant provides, the disputed domain name is likely to mislead Internet users into believing that it must be owned or operated by, or otherwise legitimately affiliated with, the Complainant. Instead, the Respondent has used the disputed domain name to provide PPC links to third-party suppliers, including those who appear to offer insurance services similar to those of the Complainant. The Panel therefore finds that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel finds in the circumstances that the disputed domain name has been registered and is being used in bad faith.

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 <rootcarinsurance.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: April 8, 2025