

ADMINISTRATIVE PANEL DECISION

Hartford Fire Insurance Company v. Robert Holland, Hartford Assets Case No. D2023-3040

1. The Parties

The Complainant is Hartford Fire Insurance Company, United States of America (“United States”), represented by Fross Zelnick Lehrman & Zissu, PC, United States.

The Respondent is Robert Holland, Hartford Assets, United States.

2. The Domain Name and Registrar

The disputed domain name <hartfordassets.com> is registered with Wix.com Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 14, 2023. On July 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 19, 2023, 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 (Wix.com Ltd). The Center sent an email communication to the Complainant on July 27, 2023, 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 July 27, 2023.

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 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 23, 2023. The Respondent sent informal communications to the Center on August 2, August 3, August 4, August 15, and August 22, 2023. The Respondent did not submit any formal response. Accordingly, the Center notified the parties that it would proceed to panel appointment on August 24, 2023.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on August 28, 2023. 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 in one of the largest insurance and financial services groups in the United States, founded more than two centuries ago in 1810. The Complainant does business under the trade name “The Hartford” and operates a principal website at “www.thehartford.com” (the “Complainant’s website”). The Complainant’s ultimate parent company, The Hartford Financial Services Group, Inc., is a Fortune 500 company traded on the New York Stock Exchange. The Complainant holds relevant trademarks used by the group in its United States and international business. The group is a leading provider throughout the United States of asset management services, life insurance, automobile and homeowners’ insurance, business insurance and reinsurance, group and employee benefits, and investment products, with reported earnings of USD 2.5 billion in fiscal year 2022.

The Complainant provides insurance and financial services and products under the marks HARTFORD, THE HARTFORD, and other HARTFORD-inclusive marks (collectively, the “HARTFORD Marks”). The Complainant spends USD tens of millions annually in advertising and promoting the HARTFORD Marks in broadcast and print media and online. The Complainant’s website also displays the Complainant’s design logo, an image of a stag (or “buck”) deer with antlers alongside the words, “The Hartford”.

In addition to trademark registrations in other countries, the Complainant holds the following relevant United States trademark registrations:

MARK	GOODS / SERVICES	REGISTRATION NUMBER	REGISTRATION DATE
THE HARTFORD	Insurance underwriting service in Class 36.	1155051	May 19, 1981
HARTFORD	Asset management, investment, retirement planning services in Class 36.	2153891	April 28, 1998
HARTFORD	Investment management services in Class 36.	2153863	April 28, 1998
THE HARTFORD	Providing information about insurance policies and services via the world wide computer network in Class 36.	2487011	September 11, 2001

The Registrar reports that the disputed domain name was registered on February 1, 2023, by the Respondent Robert Holland, listing the organization as “Hartford Assets” with a postal address in Deerfield Beach, Alabama, United States and giving a Gmail contact email address. The Complainant points out that this information appears to be inaccurate, as there is no city of Deerfield Beach in Alabama. The postal code belongs instead to the city of Deerfield Beach, Florida, United States, which is located at a considerable distance (more than 200 miles or nearly 322 kilometers) from the address in Tampa, Florida, United States given as the location of the Respondent’s business on the Respondent’s website. The Complainant also provides evidence that four different businesses are listed at that address in Tampa, none of them named “Hartford Assets”.

The disputed domain name resolves to a website (the “Respondent’s website”) headed “Hartford Assets” with a logo consisting of those words under a drawing of a stag deer’s head with antlers. The website advertises financial planning services and investments in real estate, precious metals, and venture capital.

The home page displays a photo of Tampa, Florida, United States over the purported headquarters address of “Hartford Assets LLC” and characterizes the Respondent as follows:

“Our team of astute advisors are at your every beck and call. Our satisfaction comes from your happiness. Our education based techniques will help you become not just a client, but apart [sic] of the team. For more on the why, what, and how contact us now.”

The Respondent’s website includes a “Contact” page soliciting site visitors’ names and email addresses and a chat feature, but the website offers very little information about the company. For example, there is no indication of the names of any principals or representatives or their federal or state licensing status, if any, as investment advisors, agents, or brokers. The website content consists largely of stock images and vapid pronouncements such as this: “Expectations are to position you properly for what’s unexpected, that’s real results.”

The Complainant’s representative sent a letter to the Registrar on March 7, 2023, demanding suspension of the Respondent’s website and transfer of the disputed domain name. The Registrar (which had not yet identified the Respondent as the underlying registrant) referred to the UDRP, and this proceeding followed.

The Panel notes that the online database of the Florida Division of Corporations shows that Hartford Assets LLC (listed at the same address shown on the Respondent’s website) was subsequently registered as a Florida limited liability company on April 1, 2023. The Respondent Mr. Holland is not listed as a principal or registered agent.

5. Parties’ Contentions

A. Complainant

The Complainant asserts that the disputed domain name is confusingly similar to its HARTFORD marks and denies any association with the Respondent. The Complainant contends that the Respondent has no permission to use the HARTFORD marks, is not an actual company known by a corresponding name and is using the disputed domain name to operate a deceptive website purportedly offering the same services provided by the Complainant.

The Complainant argues that the Respondent registered and uses the disputed domain name in bad faith. It is “inconceivable” that the Respondent was unaware of the Complainant’s longstanding and highly advertised HARTFORD marks. The Respondent used the HARTFORD mark and a relevant term, “assets”, for the disputed domain name to misdirect Internet users to a website advertising investment advisory and asset management services such as the Complainant offers. The Complainant notes the Respondent’s false address information as further evidence of bad faith.

B. Respondent

The Respondent, who is not represented by counsel, did not submit a formal Response but demanded compensation to transfer the disputed domain name.

The Respondent communicated as follows in emails to the Center on August 2, 2023:

“Not sure what this means but we are not changing our domain we legally pay for it. We will change it for a lump sum payment.”

“Idk what any of this means what I do know is we will need paid in order to do something. We aren’t taking less than \$100,000 for the website.”

The Center advised the Respondent that the Complaint was being verified and that the Respondent would have an opportunity to respond to the Complaint under the Rules.

The Respondent emailed further on August 3, 2023:

“\$100,000.00 no less. We have proof \$1000 is well lower than what is needed.”

The Respondent’s reaction to the Center’s Notification of Complaint and Commencement of Administrative Proceeding on August 3, 2023, was to repeat the offer to sell the disputed domain name in two emails dated August 4, 2023:

“Thank you for your response. No less than \$100,000.00.”

“\$100,000 no less”

The Center referred the Respondent to the Rules, reminded the Respondent (as on earlier occasions) to copy the Complainant on correspondence, and advised the Respondent that its communications would be forwarded to the Panel.

On August 15, 2023, the Respondent emailed the following message to the Center (again without copying the Complainant):

“Hello can we speak via the telephone?”

The Center again called the Respondent’s attention to the Rules requiring written communications to be copied to all parties. On August 22, 2023, the Center sent the Respondent an email inviting the Respondent to “write an email with any observations or questions you wish to present. Please be advised that the Center cannot provide any legal advice to either Party.” The Center noted that any such communication from the Respondent would be forwarded to the Panel. Under the Rules, paragraph 10(d), the Panel would determine “the admissibility, relevance, materiality and weight of the evidence”.

The Respondent sent an email dated August 22, 2023, making the following statements:

“I’m [sic] no way shape or form did we steal the website or name to do harm. This is who we are. We have all of our clients now knowing this is our site. We clear hundreds of thousands of dollars... we will need proper compensation for this transition to take place. Our request is based off of monetary necessity.”

Clearly, this is not a formal Response with the certification of completeness and accuracy required by the Rules, paragraph 5(c)(viii). The emails from the Gmail account given as the contact email for the Respondent do not identify the individual sender, although they purport to come from “Hartford Assets”. The Panel must take this into account in weighing the credibility of the statements in these informal emails, which are also not accompanied by any supporting evidence.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following: (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. Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

The first element of a UDRP complaint “functions primarily as a standing requirement” and entails “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 holds trademark registrations for HARTFORD and THE HARTFORD. The disputed domain name is confusingly similar, adding the dictionary word “assets”. The mark is readily recognizable in the disputed domain name, and the addition of a dictionary word does not prevent a finding of confusing similarity (see *id.*, section 1.8). As usual, the addition of the Top-Level Domain “.com” may be disregarded as a standard registration requirement (see *id.* section 1.11.1).

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s HARTFORD marks and concludes that the Complainant has established the first element of the Complaint.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy gives non-exclusive examples of instances in which a respondent may establish rights or legitimate interests in a domain name, by demonstrating any of the following:

- (i) before any notice to it of the dispute, the respondent’s use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Because a respondent in a UDRP proceeding is in the best position to assert rights or legitimate interests in a domain name, it is well established that after a complainant makes a *prima facie* case, the burden of production on this element shifts to the respondent to come forward with relevant evidence of its rights or legitimate interests in the domain name. See [WIPO Overview 3.0](#), section 2.1.

The Complainant has demonstrated trademark rights and observed that the Respondent did not appear to have a legal entity with a corresponding name was using the disputed domain name for a website that deceptively suggested an association with the Complainant. This establishes a *prima facie* case, and the Respondent has not come forward with evidence of rights or legitimate interests in the disputed domain name. The Panel notes that a Florida limited liability company was registered with a corresponding name roughly a month *after* the Complainant sent its demand letter concerning the disputed domain name and the Respondent’s website, so this would not qualify as evidence of rights or legitimate interests “before any notice” of the dispute.

Moreover, even if the Respondent “clear[s] hundreds of thousands of dollars” in business conducted through the Respondent’s website, as claimed in the Respondent’s August 22, 2023, email to the Center (without evidentiary support), this could not be considered use in connection with a *bona fide* offering of goods or services if the disputed domain name and associated website are attacking the Complainant’s trademark, an issue which is addressed further in the following section on bad faith.

The Panel finds, in any event, that the Respondent has failed to meet its burden of production and concludes that the Complainant prevails on the second element of the Complaint.

C. Registered and Used in Bad Faith

The Policy, paragraph 4(b), furnishes a non-exhaustive list of circumstances that “shall be evidence of the registration and use of a domain name in bad faith”, including the following:

“(iv) by using the domain name, you [respondent] have intentionally attempted to attract, for commercial gain, Internet users to your [respondent’s] web site or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your [respondent’s] website or location or of a product or service on your website or location.”

The Complainant argues that its mark is well-known and long-established in the United States, such that the Respondent must have been aware of it, particularly as the Respondent’s website advertises investment advisory and asset management services that are also associated with the Complainant’s mark. The Panel finds that this is probable, given the renown of the Complainant’s mark and the similarity of the advertised services. The likelihood of confusion is high, as the disputed domain name incorporates the HARTFORD mark in its entirety and adds the term “assets”, which is also used in connection with the Complainant’s asset management services. The Panel finds it telling that the Respondent’s website displays a stag’s head logo, while the Complainant’s logo also features the image of a stag.

There are several other indicia of deception and bad faith on the part of the Respondent, including the following:

- the evidently false address information provided in the WhoIs registration details and on the Respondent’s website
- the Respondent’s website suspiciously lacking identification and qualifications of the Respondent and its principals in a heavily regulated financial services industry
- the essentially meaningless content of the Respondent’s website, along with attempts to solicit personal information from site visitors
- the registration of a limited liability company after the Registrar received a demand letter to transfer the disputed domain name
- the failure to submit a Response in this UDRP proceeding.

On this record, the Panel finds bad faith in the registration and use of the disputed domain name and concludes that the Complainant has established the third element of the Complaint.

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 <hartfordassets.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: September 11, 2023