

ADMINISTRATIVE PANEL DECISION

Admiral Group v. Switch On Saving Limited, Jitender Sahni
Case No. D2023-3464

1. The Parties

The Complainant is Admiral Group, United Kingdom, represented by ZeroFox, United States of America.

The Respondent is Switch On Saving Limited, Jitender Sahni, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <admiralclaim.com> is registered with Dreamscape Networks International Pte Ltd (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 9, 2023. On August 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 18, 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. The Center sent an email communication to the Complainant on August 18, 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 August 18, 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 23, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 12, 2023. The Center notified the Commencement of Panel Appointment on September 14, 2023.

The Respondent sent an email communication to the Center on August 18, 2023. The Admin, Tech, and Billing contact person of the disputed domain name sent email communications to the Center on September 14 and 15, 2023.

The Center appointed George R. F. Souter as the sole panelist in this matter on September 19, 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 financial services company based in Cardiff, United Kingdom. The Complainant's subsidiary, EUI Limited, is the proprietor of United Kingdom Registration number 00003644498, registered on November 12, 2021, in respect of its trademark ADMIRAL (figurative) in connection with, *inter alia* insurance services.

The Complainant's subsidiary, Admiral Insurance, is a leading supplier of insurance services in the United Kingdom, using the trademark ADMIRAL in its business.

The disputed domain name was registered on February 11, 2023, and resolves to a website containing what looks like a standard insurance claim form.

5. Parties' Contentions

A. Complainant

The Complainant alleges that the disputed domain name is confusingly similar to its ADMIRAL trademark, containing its ADMIRAL trademark in its entirety, together with the mere addition of the descriptive term "claim".

The Complainant alleges that the Respondent lacks rights or legitimate interests in the disputed domain name, in particular, so far as the Complainant has been able to establish, that the Respondent is not generally known by the disputed domain name, and is not making legitimate use of the disputed domain name. The Complainant alleges that the logo "Admiral Claims" displayed on the disputed domain name is attempting to copy the Complainant's trademark by using the same color palette and font. Furthermore, the address posted on the disputed domain name matches the address displayed on a website impersonating Tesco Insurance.

The Complainant alleges that the disputed domain name was registered in bad faith, and is being used in bad faith in connection with the website referred to above.

B. Respondent

The Center received communications from both the Respondent and the person listed as the "Admin, Tech, and Billing" contact. Given the assertions, the Panel will treat the contentions together as coming from the "Respondent".

The Respondent replied to the Complaint, questioning why it was not free to use the word "admiral" in its domain name, stated that it is not its intention to directly compete against the services offered by the Complainant and that its operations in South Africa were geographically removed from those of the Complainant in the United Kingdom, and that it is unaware that any confusion between its services and those of the Complainant has actually occurred.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that the Complainant has rights to the trademark ADMIRAL for the purposes of these proceedings by virtue of the above-referenced trademark registration owned by its subsidiary. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.4.

The second part of the first element requires that the second-level portion of a domain name be either identical or confusingly similar to the textual components of the relevant trademark. While the relied-upon trademark features a figurative design, the Panel finds that the textual component "Admiral" remains the dominant element, not being overtaken by the slight figurative element (an encircling red line). [WIPO Overview 3.0](#), section 1.10.

The use of the generic Top-Level Domain (gTLD) ".com" is generally disregarded in the comparison between a trademark and a disputed domain name in proceedings under the Policy, and the Panel finds that it may be disregarded in the present case.

The Complainant's ADMIRAL trademark is instantly recognizable in the disputed domain name, rendering the disputed domain name confusingly similar to its ADMIRAL trademark. The addition of the word "claim" does not prevent this finding.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Panel considers that the Complainant has provided sufficient arguments to establish a *prima facie* case, shifting the burden of production to the Respondent. The Respondent claims that the Complainant's trademark is a common noun and that the Respondent's operations are geographically distinct. However, the Panel notes that the word "admiral" bears no relationship, descriptive or otherwise, to the insurance market within which both Parties operate. Further, the Respondent provides no arguments as to why it chose such word for its disputed domain name and given the Respondent's reported name and organization, it does not appear that the Respondent is commonly known by the disputed domain name, nor does it argue such.

Moreover, the Respondent's website featured a logo bearing a nearly identical color scheme and font to the Complainant's figurative ADMIRAL trademark. Lastly, the Respondent does not refute the Complainant's contention concerning the copied third-party address featured on the website to which the disputed domain name resolved, bringing into question whether the Respondent is truly based in South Africa and the authenticity of the website hosted at the disputed domain name in general. Accordingly, given the totality, it seems more likely than not that the website hosted at the disputed domain name is merely a pretext for commercial gain by the Respondent by creating a direct inference of association with the Complainant.

The Panel concludes that a finding in favour of the Complainant under paragraph 4(a)(ii) is appropriate, and so finds.

C. Registered and Used in Bad Faith

The third element requires a showing that the Respondent both registered and used the disputed domain name in bad faith. While the Respondent claims that it is based in South Africa, the Panel is already skeptical of such allegations given that the contact details featured on the disputed domain name appear to have been copied from a third party. Moreover, the information disclosed by the Registrar places the Respondent in the United Kingdom, which is where the Complainant operates. Given the competing nature

of the services allegedly offered in connection with the disputed domain name, particularly the use of a nearly identical logo within, it appears more likely than not that the Respondent sought a jurisdiction outside of which the Complainant has registered rights for purposes of attempting to legitimize its registration and use of the disputed domain name.

Regardless, the Panel notes that “[n]oting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant’s mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant’s mark”. [WIPO Overview 3.0](#), section 3.2.2.

The Panel is of the opinion that the Respondent in the present case likely knew of the Complainant and intentionally sought to create a risk of implied affiliation by creating a competing website wherein the Complainant’s figurative trademark and color scheme were nearly identically copied.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith in the present case, and that the Complainant has satisfied the requirements of paragraph (a)(iii) 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, <admiralclaim.com>, be transferred to the Complainant.

/George R F Souter/

George R F Souter

Sole Panelist

Date: October 3, 2023