

Decision for dispute CAC-UDRP-104839

Case number	CAC-UDRP-104839
Time of filing	2022-09-15 10:12:40
Domain names	manulifefinancialcentre.com

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	The Manufacturers Life Insurance Company
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Complainant representative

Organization	Microsoft Corporation
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Respondent

Organization	Liang Tao Hai Lang
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OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has adduced evidence that it owns the following trademarks in relation to the mark "MANULIFE", which remain valid:

- Canadian trademark No. 0652790, registered on 31 May 1991 in Nice Classification List (NCL) Classes 35, 36, 37, 41 and 44;
- US service mark 1790892, registered on 31 August 1993 in NCL Classes 36 and 41; and
- EU trademark 000540989, registered on 9 July 1999 in NCL Classes 16, 36 and 41.

The Respondent registered the disputed domain name <manulifefinancialcentre.com> on 25 March 2021.

FACTUAL BACKGROUND

The Complainant is part of the Canadian Manulife group which offers insurance and other financial services in Asia, Canada, the United States and elsewhere. Manulife has a large customer and asset base as well as wide brand recognition. It has been active in some markets for over a century and a half.

The Complainant adduced evidence to show that the disputed domain name is used by the Respondent to display adult content with

onward links. The evidence submitted was redacted for the sake of the present proceeding. The language associated with the content displayed is Chinese.

PARTIES CONTENTIONS

COMPLAINANT:

By incorporating the Complainant's mark "MANULIFE" and appending the generic phrase "financial centre" to it, the Respondent has created confusing similarity to this brand in which the Complainant has demonstrated its rights. In particular, the Complainant's brand is recognizable within the disputed domain name and the generic words added are connected with services to which the Complainant's mark relates. The suffix <.com> in the disputed domain name is a Top Level Domain standard registration requirement and, as such, is generally disregarded. The first UDRP element is thus fulfilled.

In relation to the second UDRP element, the Complainant has not authorized the Respondent to use its mark. There is no evidence or reason to suggest the Respondent is commonly known by the disputed domain name. The use of the disputed domain name cannot fall under legitimate non-commercial or other fair use because the use it is being put to is for advertisements for or links to adult content.

As concerns the third UDRP element of bad faith, the use of the disputed domain name containing the Complainant's brand for displaying adult content is evidence of bad faith registration and use. It is likely that the Respondent intends thereby to divert internet users for commercial gain by exploiting the Complainant's protected brand. Doing so is also disruptive.

RESPONDENT: NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trademark and service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

The Panel notes that, in its résumé of the Parties' contentions, references to views of previous Panels contained in the Amended Complaint have not been repeated.

The Panel acknowledges that the Complainant redacted the evidence of the disputed domain name's use in a proportionate and appropriate manner in this proceeding, given that the evidence adduced was material to the Complainant's case but that only a sufficient impression, and not full detail, needed to be conveyed to the Panel.

PRINCIPAL REASONS FOR THE DECISION

The Complainant has fully substantiated all the elements of its case under the UDRP in an undisputed proceeding exhibiting clear domain name abuse in violation of the Complainant's rights. The Panel therefore orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **manulifefinancialcentre.com**: Transferred

PANELLISTS

Name	Kevin Madders
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DATE OF PANEL DECISION 2022-10-30

Publish the Decision
