Decision for dispute CAC-UDRP-108125

Case number	CAC-UDRP-108125
Time of filing	2025-11-06 09:49:23
Domain names	assura-ch.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Assura SA

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Name	Alice Ortega

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant has registered the following trademarks:

Swiss trademark registration n. 433290 "assura", registered on November 18, 1996, in the Nice Class 36, covering health insurance and accident insurance.

Swiss trademark registration n. 757158 "assura", registered on December 28, 2020, in the following Nice Classes:

35: Services for compiling and systematizing information in computer databases; recording data and written communications; updating and maintaining data in computer databases; data processing services;

36: Health insurance services, accident insurance services, accident insurance advisory and information services; consulting and information services relating to health insurance; provision of insurance information, including from a computer database or the Internet;

44: Medical diagnosis, diagnosis in the medical field; provision of medical information; provision of medical information, including from websites; individual and medical counselling services provided to patients;

and the figurative mark Swiss trademark registration n. 757163 "assura.", registered on December 28, 2020, in the following Nice Classes:

35: Services for compiling and systematizing information in computer databases; recording data and written communications; updating and maintaining data in computer databases; data processing services;

36: Health insurance services, accident insurance services, accident insurance advisory and information services; consulting and information services relating to health insurance; provision of insurance information, including from a computer database or the Internet;

44: Medical diagnosis, diagnosis in the medical field; provision of medical information; provision of medical information, including from websites; individual and medical counselling services provided to patients.

The Complainant's official website is registered at <assura.ch> on October 2, 1997.

FACTUAL BACKGROUND

The Complainant, Assura SA, is a Swiss health insurance company founded in 1978. The Complainant provides basic compulsory health insurance under Swiss law and supplementary insurance, with over 1 million insured persons currently. Assura is actively doing business throughout Switzerland using the name "Assura" in all its branding: registered trademarks, official website (www.assura.ch), promotional material, client communication, which confirms its strong brand identity among the Swiss audience.

The Complainant recently discovered the existence of the domain name <assura-ch.com>, created on August 28, 2025, without any authorization from Assura SA. This domain name is in the view of the Complainant very similar to the domain name of the Assura SA's official website (www.assura.ch), making it a typical case of abusive registration.

On September 1, 2025, several Assura clients reported receiving fraudulent e-mails from the address no-reply@portalpaciente.pt, which is not affiliated with Assura SA or any of its partners. These e-mails containing the "assura." logo claimed to be "reimbursement confirmations" and displayed a button inviting recipients to fill out a form (in French: "Remplir le formulaire"). It occurs that this button redirected to the domain <assura-ch.com> (via the URL https://d2907rvgebv2ta.cloudfront.net/), which displayed a fraudulent imitation of the Assura SA official website, with the following message:

"We are pleased to inform you that your medical expense reimbursement has been successfully processed. A total amount of 150,00 CHF has been approved and will be credited to your banking account after you have completed the necessary information. To finalize the process, please complete the enclosed reimbursement form to submit the required information."

(In French: « Nous sommes heureux de vous informer que le remboursement de vos frais médicaux a été traité avec succès. Un montant total de 150,00 CHF a été approuvé et sera crédité sur votre compte après que vous ayez rempli les informations nécessaires. Pour finaliser le processus, veuillez compléter le formulaire de remboursement inclus afin de soumettre les informations requises. »)

When users clicked on "Next Step" (in French: "Étape suivante"), the form invited them to enter their personal and banking/credit card information. This proves in the view of the Complainant that the disputed domain was registered for the purpose of collecting personal and sensitive information from unsuspecting clients (phishing).

The Complainant's representative has immediately filed a report to the relevant intermediaries, and the impersonation content has been already removed. At the time of filing, the domain name displays a parked page.

Based on the information provided by the registrar during registrar verification, the Respondent is identified as Alice Ortega, with a North American phone number and with a location in California, United States (no full postal address was provided by the registrar). Considering the risks involved in having this domain name in the hands of an unauthorized third party that has proven to have used it for illicit activities, including impersonating Assura SA online presence and sending phishing e-mails, the Complainant sees no other option but to file this complaint in order to have the disputed domain name transferred to Assura SA. The Complainant submits that the disputed domain name, while not identical to a trademark in which the Complainant has rights, is confusingly similar to such a mark. The Complainant is the registered owner of several trademarks covering the term ASSURA in Switzerland.

The Complainant's official website at <assura.ch>, was registered on October 2, 1997.

The disputed domain name is the reproduction of the Complainant's trademark "ASSURA", with the addition of the Swiss country code CH ("ch"). The disputed domain name incorporates the Complainant's ASSURA trademark in its entirety and without alteration. The disputed domain name is not identical to the Complainant's registered trademarks, only because it contains the Swiss country code ("ch").

The addition of the country code "-ch" (denoting Switzerland) does not in the view of the Complainant prevent a finding of confusing similarity. On the contrary, it may increase confusion by implying a connection with the Swiss operations of the Complainant, which is a prominent Swiss health insurer operating under the ASSURA brand.

Further, the Complainant states that the generic top-level domain ".com" is not considered when assessing identity or similarity under UDRP practice, as it is a functional requirement of the domain system and does not influence the comparison between the domain name and the trademark.

The Complainant states that the Respondent is not commonly known by the disputed domain name. Furthermore, that the domain

has been used as part of a fraudulent scheme, involving the sending of phishing e-mails purporting to originate from the Complainant, in order to deceive recipients into disclosing sensitive personal and financial data. These e-mails have used branding or language likely to be associated with the Complainant, directing recipients to fraudulent websites or requesting direct responses via e-mail. It follows that the disputed domain name was being used by the Respondent for illicit activities and, by doing so, to infringe the Complainant's trademark, which can never give rise to rights or legitimate interests under the Policy.

Secondly, the Complainant states that imitating the official website of Assura SA's for phishing purposes via the disputed domain name does not qualify as a bona fide offering of goods or services. The website in question was nothing more than a scam designed to deceive Assura insured clients and that the "reimbursement" promoted through it was not real. For this simple reason, it is obvious that the disputed domain name content could not be qualified as a bona fide offering of goods or services.

Finally, the Complainant states that the notion that the disputed domain name is being used for non-commercial fair use must be excluded from the outset, given that the domain is being used for impersonation purposes – namely, to defraud consumers, which is obviously not fair use.

The disputed domain name was first registered on August 28, 2025, at a time when the Complainant's rights were already well established in Switzerland and immediately apparent to anyone undertaking minimal verifications as to the availability of the contemplated domain name. The Complainant states that the vast majority of the top 20 results on Google search for "assura" from a Swiss IP address are references to the Complainant. The addition of the geographic suffix "-ch" (denoting Switzerland) to the Complainant's mark in the domain name <assura-ch.com> indicates targeting of Swiss consumers, who would naturally associate the domain with the Complainant. Further, as mentioned, the landing site of the disputed domain name was an imitation of the Assura SA official website. It is therefore clear that the Respondent was aware of the Complainant's rights when they first registered the domain. The purposeful targeting of a well-known trademark, without subjective justification, has been consistently found to give rise to a prima facie case of bad faith registration and use.

The use made of the disputed domain name also demonstrates in the view of Complainant bad faith. According to Paragraph 4(a)(iii) of the Policy, bad faith can notably be found where 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 mark. In the present case, the disputed domain name consists of the Complainant's trademark "Assura" with the addition of the geographic suffix "-ch" (denoting Switzerland, the main audience of the Complainant). The Respondent's use of the domain amplifies this confusion in the view of Complainant. The disputed domain name has been actively used to impersonate the Complainant's official website, in connection with fraudulent e-mail communications, including phishing e-mails sent to actual clients of Assura SA. These e-mails used misleading branding and attempted to deceive recipients into taking harmful actions. Prior panels have confirmed that such conduct constitutes bad-faith registration and use.

Furthermore, even now that the impersonation content has been already removed, the sole fact that the domain <assura-ch.com> is in the hands of the same registrant could still be used to cause considerable confusion among Internet users and Swiss clients regarding the "Assura" brand and its official website at www.assura.ch. The Respondent maintains control over the disputed domain, thus creating a real or implied ongoing threat to the Complainant. For example, at any time and for any reason, the Respondent may decide to use again the said domain name for fraudulent purposes. Similarly, the Registrant may decide to associate the domain name with a website that advertises services competing with those of Assura SA. In this case, since the domain name consists of the sign "Assura", Internet users would probably assume that the website and the products advertised belong to or are affiliated with Assura SA. The similarity between the domain name, the "Assura" trademarks and Complainant's official website (www.assura.ch) creates a constant risk of confusion and harm to the Complainant and its clients.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or 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

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown 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 UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Complainant has demonstrated registered rights in the trademark ASSURA.

The disputed domain name reproduces the trademark ASSURA in its entirety, adding only the geographical suffix “-ch”, the standard country abbreviation for Switzerland. Numerous UDRP decisions confirm that adding a geographic term does not prevent a finding of confusing similarity and may even increase confusion by suggesting an official Swiss connection (e.g., Deutsche Lufthansa AG v. Nadeem Qadir, WIPO Case No. D2010-2147; Rolls-Royce PLC v. Hallofpain, WIPO Case No. D2000-1709).

The gTLD “.com” is irrelevant for assessing similarity.

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s ASSURA trademark.

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests. The burden of production therefore shifts to the Respondent, who did not file a Response.

The Respondent is not commonly known by the disputed domain name. The Respondent has not been authorized by the Complainant to use its mark.

More importantly, the evidence shows that the domain name was used for fraudulent phishing activities, including impersonation of the Complainant, misuse of its logos, deceptive e-mails, and prompting victims to provide banking and personal data. Such use can never confer rights or legitimate interests (WIPO Overview 3.0, sections 2.5 and 2.13).

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

At the time of registration (August 2025), the Complainant's ASSURA mark was long-established and widely known in Switzerland. The use of a Swiss geographic suffix “-ch” strongly indicates intentional targeting of Swiss consumers. A simple Internet search would have revealed the Complainant’s prominence. The imitation website further demonstrates actual knowledge and deliberate targeting.

The Respondent used the disputed domain name to:

- send phishing e-mails to actual Assura clients,
- impersonate the Complainant’s identity and website, and
- solicit sensitive personal and financial data.

Such conduct constitutes a textbook example of bad-faith use under Policy paragraph 4(b)(iv) and is addressed in WIPO Overview 3.0 §3.4 (phishing as clear evidence of bad faith).

Even though the fraudulent content has been removed, retention of the domain by the same registrant presents an ongoing threat of renewed abuse. UDRP panels consistently recognize that this risk maintains a finding of bad faith.

The Panel therefore finds that the disputed domain name was registered and used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **assura-ch.com**: Transferred

PANELLISTS

Name	Jan Schnedler

DATE OF PANEL DECISION 2025-12-10

Publish the Decision