



NATIONAL ARBITRATION FORUM

DECISION

Metropolitan Life Insurance Company v. Nan Wang
Claim Number: FA0612000862882

PARTIES

Complainant is **Metropolitan Life Insurance Company** ("Complainant"), represented by **Heidi C. Constantine**, of **Metropolitan Life Insurance Company**, 1 MetLife Plaza, 27-01 Queens Plaza North, Long Island City, NY 11101. Respondent is **Nan Wang** ("Respondent"), Shijingshanqu, Bajiaobeili 38-607, Beijing 100043, CN.

REGISTRAR AND DISPUTED DOMAIN NAMES

The domain names at issue are <**metlifes.com**> and <**mmetlife.com**>, registered with **Communigal Communications Ltd**.

PANEL

The undersigned certifies that he or she has acted independently and impartially and to the best of his or her knowledge has no known conflict in serving as Panelist in this proceeding.

Houston Putnam Lowry, Chartered Arbitrator, as Panelist.

PROCEDURAL HISTORY

Complainant submitted a Complaint to the National Arbitration Forum electronically on December 7, 2006; the National Arbitration Forum received a hard copy of the Complaint on December 7, 2006.

On December 13, 2006, Communigal Communications Ltd confirmed by e-mail to the National Arbitration Forum that the <**metlifes.com**> and <**mmetlife.com**> domain names are registered with Communigal Communications Ltd and Respondent is the current registrant of the names. Communigal Communications Ltd has verified Respondent is bound by the Communigal Communications Ltd registration agreement and has thereby agreed to resolve domain-name disputes brought by third parties in accordance with ICANN's Uniform Domain Name Dispute Resolution Policy (the "Policy").

On December 14, 2006, a Notification of Complaint and Commencement of Administrative Proceeding (the "Commencement Notification"), setting a deadline of January 3, 2007 by which Respondent could file a response to the Complaint, was transmitted to Respondent via e-mail, post and fax, to all entities and persons listed on Respondent's registration as technical, administrative and billing contacts, and to postmaster@metlifes.com and postmaster@mmetlife.com by e-mail.

Having received no response from Respondent, the National Arbitration Forum transmitted to the parties a Notification of Respondent Default.

On January 8, 2007, pursuant to Complainant's request to have the dispute decided by a single-member Panel, the National Arbitration Forum appointed Houston Putnam Lowry, Chartered Arbitrator, as Panelist.

Having reviewed the communications records, the Administrative Panel (the "Panel") finds that the National Arbitration Forum has discharged its responsibility under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") "to employ reasonably available means calculated to achieve actual notice to Respondent." Therefore, the Panel may issue its decision based on the documents submitted and in accordance with the ICANN Policy, ICANN Rules, the National Arbitration Forum's Supplemental Rules and any rules and principles of law that the Panel deems applicable, without the benefit of any response from Respondent.

RELIEF SOUGHT

Complainant requests that the domain names be transferred from Respondent to Complainant.

PARTIES' CONTENTIONS

A. Complainant makes the following assertions:

Complainant owns numerous valid and subsisting United States Trademark registrations (in addition to many more non-United States trademark registrations) for the marks including, but not limited to,

METLIFE

IC 36 – Providing underwriting and administering group life, disability, and dental insurance.

IC 42 – Health Maintenance Organizations

METLIFE 2-9

IC 16 – Printed material

IC 36 – Underwriting and administering group life, disability, and dental insurance.

METLIFE AAA

IC 36 – Pension and financial Services

METLIFE ADVICE

IC 36 – Financial Planning and advice in the fields of insurance, retirement, investments, estate planning, underwriting and administration.

METLIFE BANK

IC 09 – Magnetic coded cards for banking.

IC 36 – Banking Services, credit card services.

METLIFE EDELIVERY

IC 38 – Online computer services.

METLIFE EXECUTIVECARE

IC 36 – Insurance and Financial Services
METLIFE FINANCIAL SERVICES
IC 36 – Insurance underwriting, agency, brokerage and administration services.
METLIFE INVESTORS
IC 36 – Underwriting, agency, brokerage and administration services for individual and group life, disability, long term care and dental insurance.
METLIFE ONLINE
IC 36 – Providing online information on financial services
IC 42 – Providing online information about a wide variety of topics of general interest to consumers.
METLIFE PREMIER
IC 36 – Financial Services.
METLIFE RETIREMENT INCOME INSURANCE
IC 36 – Insurance and Financial Services

(collectively the “METLIFE Family of Marks”).

1. **Factual and Legal Grounds:** This Complaint is based on the following factual and legal grounds: ICANN Rule 3(b)(ix):

The METLIFE Family of Marks are internationally famous throughout the world for the goods and services they represent. Complainant has used many of the METLIFE Family of Marks in commerce continuously since at least as early as 1968 for an ever-increasing range of goods and services, and Complainant has expended hundreds of millions of dollars to advertise and market its METLIFE products, resulting in sales of billions of dollars’ worth of services under the METLIFE Family of Marks. Complainant’s long-term, prominent usage of its famous METLIFE Family of Marks has generated extensive fame and goodwill and widespread consumer recognition for the METLIFE Family of Marks as identifying exclusively Complainant and Complainant’s Products.

Complainant is a leader in the insurance, annuities, pension fund, residential and commercial mortgage, lending, real estate brokerage and management services. In addition to like, non-medical health and property and casualty insurance, MetLife is a leader in savings and retirement products and services for individuals, small businesses and large institutions. MetLife is the largest life insurer in terms of life insurance “in-force” in North America, and offers financial products and services to 88 of the Fortune 100 companies. The MetLife companies serve approximately 37 million employees and family members through their plan sponsors. MetLife also has major operations, affiliates and representative offices throughout the Americas, Europe, and Asia, including direct international insurance operations in 10 countries serving approximately eight million customers. MetLife is ranked #36 on the Fortune 500 list and #194 on the FT Global 500 list. MetLife is also a member of the S&P 500. Information about MetLife can be found on its website www.metlife.com.

The METLIFE Family of Marks have become a famous and distinctive family of marks throughout the world as a symbol of the high quality standards that MetLife maintains for its products and related services. Courts in the United States have held so including, *MetLife Inc. v. Metropolitan National Bank*, 05 Civ. 3960 (S.D.N.Y. 2005), as have numerous panels including: *Metropolitan Life Insurance Company v. Albert Jackson*, FA314268 (Oct. 2004), *Metropolitan Life Insurance Company v. Registrant info@fashionid.com* (Oct. 2004), *Metropolitan Life Insurance Company v. Horoshiy, Inc. a/k/a Horoshiy*, FA323764 (Oct. 2004), *Metropolitan Life Insurance Company v. Horoshiy, Inc. a/k/a Horoshiy*, FA338340 (Nov. 2004), *Metropolitan Life Insurance Company v. Michael Huang*, FA356348 (Dec. 2004), *Metropolitan Life Insurance Company v. Ling Shun Shing*, FA370667 (Jan. 2005), *Metropolitan Life Insurance Company v. Netsolutions proxy services*, FA381135 (Jan. 2005), and *Metropolitan Life Insurance Company v. SOLIT*, FA390832 (Feb. 2005), and *Metropolitan Life Insurance Company and Metropolitan Casualty Insurance Company v. Gaines Enterprises*, FA474807 (June 2005). *Metropolitan Life Insurance Company v. Hyung Kim*, FA781874 (October 2006) and *Metropolitan Life Insurance Company v. Furture-3D, Inc.*, FA781876 (October 2006).

All of the registrations are valid, subsisting, unrevoked and uncancelled. The registration of these marks constitutes *prima facie* evidence of their validity and conclusive evidence of Complainant's exclusive right to use the METLIFE Family of Marks in commerce in connection with the goods named therein, and commercially related goods. The registration of the METLIFE Family of Marks also constitutes statutory constructive notice to Respondent of Complainant's ownership and exclusive rights in the METLIFE Family of Marks. Such constructive notice is in addition to the actual notice that Respondent most certainly had given the extensive fame and reputation enjoyed by Complainant's METLIFE Family of Marks. Complainant maintains strict quality control standards for all of its products and services sold under the METLIFE Family of Marks. Complainant carefully maintains the corporate image as well with its philanthropic endeavors. To date, Complainant has spent hundreds of millions of dollars in advertising and promoting Complainant's products, services and the METLIFE Family of Marks, and Complainant and affiliated companies have enjoyed billions of dollars in sales of Complainant's products and services.

Respondent's <metlifes.com> web site and Respondent's <mmlife.com> web site exploit Complainant's Mark as a way to lure users to their site and then to provide links to other sites through "sponsored links." Respondent presumably receives a "click-through fee" anytime someone clicks on one of these links, forwarding the user to another web site.

While Respondent's <metlifes.com> page mostly offers links to education and scholarships the "popular categories" section on the right-hand side of the page has links to mortgages, home insurance, and loans, all of which are services that Complainant provides. The links on the <mmlife.com> page was much more insidious including links to dozens of insurance resellers and direct competitors thought-out the entire site.

On December 19, 2005 a letter was sent to Registerfly.com, who was listed as the owner of the domain names at the time of the first letter, via certified mail and email requesting immediate transfer of the <metlifes.com> and <mnetlife.com> domain names. On January 3, 2006 Complainant sent a follow-up email to Registerfly.com again requesting transfer of the domain names. Registerfly.com then released the registration information of the domains by January 19, 2006. A letter was then drafted and sent to the new person listed on the whois information, the current respondent, and was sent to Respondent via Federal Express and email. No response has ever been received, but the domain names have been transferred from Registerfly.com to the Communal Communications Ltd. The pages for these domain names are not currently active.

Respondent was not and has never been and authorized seller or licensee of Complainant's METLIFE products or services. Respondent's use of the domain names <metlifes.com> and <mnetlife.com> to attract users for commercial gain is likely to cause consumer confusion, could divert bona fide customers from purchasing Complainant's products and could tarnish Complainant's reputation.

a. **The Domain Names are Identical or Confusingly Similar to Complainant's Trademarks.** The domain names <metlifes.com> and <mnetlife.com> as used by Respondent is confusingly similar to Complainant's famous METLIFE Family of Marks. The Domain Name simply uses Complainant's trademark, METLIFE, and then adds a description of Complainant's services. The addition of a generic word or phrase, such as "retirelink," in a domain name is not enough to avoid the likelihood of confusion. See *U-Haul International, Inc. v. Affordable Web Productions*, WIPO Case No. D2003-05111. It is a well-established principle that descriptive or generic additions, and particularly those which designate the goods or services with which a mark might be used, does not avoid confusing similarity of domain names and trademarks (as held in, *inter alia*, *Time Warner Entertainment Company L.P. v. HarperStephens*, WIPO Case No. D2000-1254, concerning over 100 domain names including <harrypotterfilms.net>).

Both domain names, <metlifes.com> and <mnetlife.com> are nearly identical to the Complainant's famous METLIFE trademark but a letter has been added to the end or at the beginning in perhaps in an effort to misdirect users who have accidentally made a typo in their browser bar while typing the domain name they think will resolve to Complainant's web site. The omission of a letter, addition of a letter, inversion of a letter or substitution of a letter is commonly known as typosquatting and does not negate the confusingly similar aspects of the domain name from Complainant's marks pursuant to Policy ¶4 (a)(i). See *Reuters Ltd. v. Global Net 2000, Inc.*, WIPO Case No D2000-0441 (finding that a domain name which differs by only one letter from a trademark has a greater tendency to be confusingly similar to the trademark where the trademark is highly distinctive); see also *Victoria's Secret v. Zuccarini*, NAF Case No. 95762 (finding that, by misspelling words and adding letters to words, a respondent does not create a distinct

¹ A copy of all cases cited is attached hereto as Annex 13.

mark but nevertheless renders the domain name confusingly similar to the complainant's mark).

b. Respondent cannot demonstrate any legitimate interest in the Domain Names. Respondent registered the Domain Name only after Complainant had established rights in its METLIFE Family of Marks. Respondent specifically chose the Domain Names as a way of attracting users by adopting the Complainant's famous METLIFE Family of Marks.

Where, as here, Complainant's marks and name are so well known and so widely recognized, and have been used in connection with such a wide variety of products for so many years, there can be no legitimate use by Respondent. For instance in *Nike Inc. v. B.B. de Boer*, WIPO Case No. D2000-1397, the Panel concluded that the respondent had no legitimate rights noting that it was difficult to see how the respondent could not have known about the trademark NIKE. *See also Victoria's Secret, et. al. v. Atchinson Investments Ltd.*, NAF Case No. 96496. In this case it is very clear that Respondent was familiar with Complainant's marks, as it is famous throughout much of South America including Chile, Paraguay, Uruguay and Brazil.

There exists no relationship between Complainant and Respondent that would give rise to any license, permission, or authorization by which Respondent could own or use the Domain Name, which incorporates the mark in its entirety and is confusingly similar to Complainant's marks. Respondent is not known by the domain names <metlifes.com> or <mmlife.com>. Indeed, Respondent is not making and never has made any use of the Domain Names other than to forward users to web links or "click-through" links to sites which sell products or services similar to Complainant's products or services. The Respondent presumably gets some benefit from any type of click-through linking. This demonstrates that Respondent has no rights or legitimate interest in the Domain Name.

c. Respondent's actions evidence bad faith use and registration of the Domain Names under ¶4(b)(iv) of the Policy, because it is using the Domain Names to intentionally attempt to attract, for commercial gain, internet users to its web site by creating a likelihood of confusion with the Complainant's famous METLIFE Family of Marks as to the source, sponsorship, affiliation, or endorsement of its websites. *See Barnes & Noble College Bookstores, Inc. v. Leisure Interactive*, WIPO Case No. D2001-1216.

Rather, the Respondent must have registered the Domain Names in bad faith. *Guerlain S.A. v. PeiKang*, WIPO Case No. D2000-0055; *Veuve Cliquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co*, WIPO Case No. D2000-0163. In this case the domain names <metlifes.com> and <mmlife.com> are so obviously associated with Complainant's famous METLIFE trademark that there is nothing behind the Respondent's motivation to register the Domain Names but opportunistic bad faith.

It has been demonstrated that when a domain name subsumes in whole a famous trademark, such as METLIFE, then any use of the domain name, including non-use, is evidence of bad faith. See *Pfizer Inc. v. Sangwoo Cha*, WIPO Case No. D2003-0256. See Also *Microsoft Corporation v. MindKind*, WIPO Case No. D2001-0193. Given the number of click-through links and pop-up advertisements associates with Respondent's web site it is obvious that Respondent is garnering some type of financial gain by registering a domain name which subsumes Complainant's famous METLIFE trademark.

Whether or not a visitor to Respondent's site would actually be confused once they had stumbled onto the site is irrelevant. Panels have consistently held that a likelihood of confusion can be found even though users would soon discover the unlikelihood of a business relationship between Complainant and Respondent. This is because Respondent would have gained website traffic simply from the use of their confusing domain name. See *One Sex*, WIPO Case No. D2000-0118.

Respondent has further demonstrated its bad faith by its refusal to respond to a cease and desist letter sent to the address listed in the official WHOIS record. *Park Place Entertainment Corporation v. A.E. Engles and Associates*, WIPO Case No. D2003-0381. Respondent may argue that the domain names do not resolve to an active site. Regardless of whether the Domain Names currently resolve to active sites, passive holding of domain names is actionable under the UDRP as is explained in *Pfizer Inc. v. Order Viagra Online*, WIPO Case No. D2002-0366. It is more likely than not that you have registered this domain name with the eventual intent of exploiting MetLife's name and reputation for your own benefit.

Based on all of the above, it is evident that Complainant has met the requirements of the Policy by demonstrating not only their own legitimate interest in Complainant's famous METLIFE Family of Marks, as evidenced by their use of those marks, that Respondent has no rights or legitimate interests in Complainant's famous METLIFE Family of Marks, but also that Respondent registered and has used the Domain Names in bad faith, and that Respondent's interest in the Domain Names is to unlawfully profit from it by luring users searching for information on MetLife and their products, services and philanthropy and instead displays click-through links to unrelated web sites as well as pop-up ads to unrelated web sites.

B. Respondent failed to submit a Response in this proceeding.

FINDINGS

Complainant, Metropolitan Life Insurance Company, is a leader in the insurance, annuities, pension fund, residential and commercial mortgage, lending, real estate brokerage and management service industries. Complainant has major operations, affiliates and representative offices in ten countries. Complainant has been using its METLIFE mark continuously since at least 1968 and holds registrations with the United States Patent and Trademark Office ("USPTO") for the METLIFE mark (Reg. No.

1,541,862 issued May 30, 1989). Complainant also operates a website at the <metlife.com> domain name.

Respondent registered the <metlives.com> domain name on January 12, 2004 and the <mmetlife.com> domain name on January 22, 2004. Respondent's disputed domain names resolve to websites that display hyperlinks to third-party websites, some of which are in direct competition with Complainant.

DISCUSSION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

In view of Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations pursuant to paragraphs 5(e), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. *See Vertical Solutions Mgmt., Inc. v. webnet-marketing, inc.*, FA 95095 (Nat. Arb. Forum July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); *see also Talk City, Inc. v. Robertson*, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Paragraph 4(a) of the Policy requires Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

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

Identical and/or Confusingly Similar

Complainant's registrations with the USPTO sufficiently establish Complainant's rights in the METLIFE mark under Policy ¶4(a)(i). *See Vivendi Universal Games v. XBNetVentures Inc.*, FA 198803 (Nat. Arb. Forum Nov. 11, 2003) ("Complainant's federal trademark registrations establish Complainant's rights in the BLIZZARD mark."); *see also Koninklijke KPN N.V. v. Telepathy Inc.*, D2001-0217 (WIPO May 7, 2001) (finding that the Policy does not require that the mark be registered in the country in which the respondent operates; therefore it is sufficient that the complainant can demonstrate a mark in some jurisdiction).

The Panel finds Respondent's <metlives.com> and <mmetlife.com> domain names are confusingly similar to Complainant's METLIFE mark under Policy ¶4(a)(i). The disputed domain names contain Complainant's mark in its entirety, with the addition of the letter "s" to the end of the mark in the <metlives.com> domain name, and the addition of the letter "m" to the beginning of the mark in the <mmetlife.com> domain name. The addition of such letters does not negate the confusing similarity between the <metlives.com> and <mmetlife.com> domain names and Complainant's mark. *See Nat'l Geographic Soc'y v. Stoneybrook Invs.*, FA 96263 (Nat. Arb. Forum Jan. 11, 2001) (finding that the domain name <nationalgeographics.com> was confusingly similar to the complainant's NATIONAL GEOGRAPHIC mark); *see also Victoria's Secret v. Zuccarini*, FA 95762 (Nat. Arb. Forum Nov. 18, 2000) (finding that, by misspelling words and adding letters to words, a respondent does not create a distinct mark but nevertheless renders the domain name confusingly similar to the complainant's marks).

The Panel finds Policy ¶4(a)(i) satisfied.

Rights or Legitimate Interests

Complainant initially must establish Respondent has no rights or legitimate interests in the <metlives.com> and <mmetlife.com> domain names. Once Complainant makes a *prima facie* case the burden of proof shifts and Respondent must show that it has rights or legitimate interests in the disputed domain names. *See Do The Hustle, LLC v. Tropic Web*, D2000-0624 (WIPO Aug. 21, 2000) (holding that once the complainant asserts that the respondent has no rights or legitimate interests with respect to the domain, the burden shifts to the respondent to provide "concrete evidence that it has rights to or legitimate interests in the domain name at issue"); *see also Woolworths plc. v. Anderson*, D2000-1113 (WIPO Oct. 10, 2000) (finding that, absent evidence of preparation to use the domain name for a legitimate purpose, the burden of proof lies with the respondent to demonstrate that it has rights or legitimate interests).

Respondent's failure to answer the Complaint raises a presumption Respondent lacks rights and legitimate interests in the disputed domain names. *See Charles Jourdan Holding AG v. AAIM*, D2000-0403 (WIPO June 27, 2000) (finding it appropriate for the panel to draw adverse inferences from the respondent's failure to reply to the complaint); *see also Desotec N.V. v. Jacobi Carbons AB*, D2000-1398 (WIPO Dec. 21, 2000) (finding that failing to respond allows a presumption that the complainant's allegations are true unless clearly contradicted by the evidence). However, the Panel will now examine the record to determine if Respondent has rights or legitimate interests under Policy ¶4(c).

The Panel finds Respondent is not commonly known by the disputed domain names under Policy ¶4(c)(ii). Respondent's WHOIS information does not indicate that Respondent is commonly known by the <metlives.com> and <mmetlife.com> domain names and there is no other evidence in the record to demonstrate Respondent is commonly known by the disputed domain names. Complainant asserts Respondent is not

authorized to use Complainant's METLIFE mark, and Respondent is not associated with Complainant in any way. In *Compagnie de Saint Gobain v. Com-Union Corp.*, D2000-0020 (WIPO Mar. 14, 2000), the panel found no rights or legitimate interests where the respondent was not commonly known by the mark and had never applied for a license or permission from the complainant to use the trademarked name. See *RMO, Inc. v. Burbridge*, FA 96949 (Nat. Arb. Forum May 16, 2001) (interpreting Policy ¶4(c)(ii) "to require a showing that one has been commonly known by the domain name prior to registration of the domain name to prevail"). Accordingly, the Panel finds that Respondent is not commonly known by the disputed domain names under the provisions of Policy ¶4(c)(ii).

Respondent is using the disputed domain names to operate websites that display hyperlinks to third-party websites, presumably for Respondent's commercial benefit through the earning of click-through fees. Such use is neither a *bona fide* offering of goods or services under Policy ¶4(c)(i) nor a legitimate noncommercial or fair use under Policy ¶4(c)(iii). See *Disney Enters., Inc. v. Dot Stop*, FA 145227 (Nat. Arb. Forum Mar. 17, 2003) (finding that the respondent's diversionary use of the complainant's mark to attract Internet users to its own website, which contained a series of hyperlinks to unrelated websites, was neither a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain names); see also *Computer Doctor Franchise Sys., Inc. v. Computer Doctor*, FA 95396 (Nat. Arb. Forum Sept. 8, 2000) (finding that the respondent's website, which is blank but for links to other websites, is not a legitimate use of the domain names).

The Panel finds Policy ¶4(a)(ii) satisfied.

Registration and Use in Bad Faith

Respondent is using the disputed domain names to operate websites that display various hyperlinks, some of which offer services in direct competition with Complainant. Such use of the <metlifes.com> and <mmetlife.com> domain names constitutes a disruption of Complainant's business and is evidence of bad faith registration and use under Policy ¶4(b)(iii). See *EBAY, Inc. v. MEODesigns*, D2000-1368 (WIPO Dec. 15, 2000) (finding that the respondent registered and used the domain name <ebay.com> in bad faith where the respondent has used the domain name to promote competing auction sites); see also *Puckett, Individually v. Miller*, D2000-0297 (WIPO June 12, 2000) (finding that the respondent has diverted business from the complainant to a competitor's website in violation of Policy ¶4(b)(iii)).

The Panel finds Respondent is using the disputed domain names to commercially benefit from the good will associated with Complainant's METLIFE mark. The <metlifes.com> and <mmetlife.com> domain names are capable of creating a likelihood of confusion as to the source and affiliation of Complainant with the disputed domain names and resulting websites. Therefore, Respondent's use of the disputed domain names constitutes bad faith registration and use under Policy ¶4(b)(iv). See *Drs. Foster &*

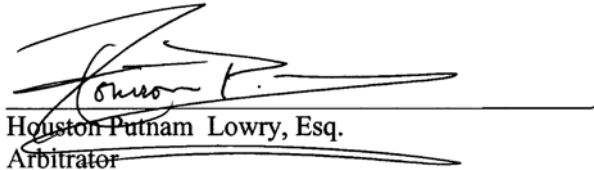
Smith, Inc. v. Lalli, FA 95284 (Nat. Arb. Forum Aug. 21, 2000) (finding bad faith where the respondent directed Internet users seeking the complainant's site to its own website for commercial gain); *see also Perot Sys. Corp. v. Perot.net*, FA 95312 (Nat. Arb. Forum Aug. 29, 2000) (finding bad faith where the domain name in question is obviously connected with the complainant's well-known marks, thus creating a likelihood of confusion strictly for commercial gain).

The Panel finds Policy ¶4(a)(iii) satisfied.

DECISION

Having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be **GRANTED**.

Accordingly, it is Ordered that the <metlifes.com> and <mmlife.com> domain names be **TRANSFERRED** from Respondent to Complainant.



Houston Putnam Lowry, Esq.
Arbitrator

Houston Putnam Lowry, Chartered Arbitrator, Panelist
Dated: January 22, 2007

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