

## **ADMINISTRATIVE PANEL DECISION**

JJR Enterprises, LLC, Straight Arrow News, LLC v. Proxy Protection LLC /  
Brenda Drake

Case No. D2022-1506

### **1. The Parties**

Complainant is JJR Enterprises, LLC, and Straight Arrow News, LLC, United States of America (“United States”), represented by Culhane Meadows PLLC, United States.

The Respondent is Proxy Protection LLC, United States / Brenda Drake, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <straightarrownews.com> (the “Disputed Domain Name”) is registered with DreamHost, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 26, 2022. On April 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 3, 2022, 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 Complainant on May 4, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on May 5, 2022.

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 Respondent of the Complaint, and the proceedings commenced on May 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 27, 2022.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on June 3, 2022. 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

Complainant states that it is “a news organization that was founded on the mission of bridging the national divide in the United States by carefully examining all sides of each story and acknowledging key talking points from both sides of the ‘aisle’.”

Complainant further states, and provides documentation in support thereof, that it is the owner of United States Reg. No. 6,429,964 for STRAIGHT ARROW NEWS (first used in commerce on June 1, 2021; filed on August 10, 2020; registered on July 20, 2021) for use in connection with, *inter alia*, “Providing on-line non-downloadable newspapers and articles in the fields of current events relating to local, national and international news” (the “STRAIGHT ARROW NEWS Trademark”).

The Disputed Domain Name was created on March 14, 2022, and redirects visitors to Complainant’s website using the domain name <straightarrownews.com> (which Complainant apparently registered on June 24, 2020).

#### 5. Parties’ Contentions

##### A. Complainant

Complainant contends, in relevant part, as follows:

- The Disputed Domain Name is confusingly similar to the STRAIGHT ARROW NEWS Trademark because the Disputed Domain Name includes the STRAIGHT ARROW NEWS Trademark in its entirety plus the word “online,” which “fails to dispel the confusing similarity between the Complainant’s trademark and the Disputed Domain Name.”
- Respondent has no rights or legitimate interests in respect of any of the Disputed Domain Names because, *inter alia*, “Respondent is not affiliated or related to Complainant in any way, and Respondent is not licensed by Complainant or otherwise authorized to use the STRAIGHT ARROW NEWS mark”; “Respondent’s use cannot be deemed a *bona fide* offering of goods or services because such use of the Disputed Domain Name should constitute impersonation of Complainant”; “Respondent is not commonly known by the Disputed Domain Name and has not acquired any trademark or service mark rights in the STRAIGHT ARROW NEWS name or mark”; “Respondent uses the Disputed Domain Name to impersonate Complainant and therefore cannot support a claim to rights or legitimate interests”; and “Respondent’s use of the Disputed Domain Name cannot be considered ‘fair’ because it ‘falsely suggests affiliation with Complainant.’”
- The Disputed Domain Name was registered and is being used in bad faith because, *inter alia*, “Respondent ‘knew or should have known’ that its registration of the Disputed Domain Name would be identical or confusingly similar to Complainant’s mark” given that “[a] simple search would have shown Complainant’s extensive rights in the STRAIGHT ARROW NEWS mark”; “Respondent uses the Disputed Domain Name to redirect to Complainant’s website, which indicates that Respondent must have had knowledge of Complainant when registering the Disputed Domain Name”; “[t]here is no legitimate reason for Respondent’s selection of the Disputed Domain Name other than deliberately profiting from confusing Internet users with the STRAIGHT ARROW NEWS mark”; and redirecting the Disputed Domain Name to Complainant’s website creates a likelihood of confusion.

## B. Respondent

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

Pursuant to the Policy, Complainant is required to prove the presence of each of the following three elements to obtain the relief it has requested, with respect to the Disputed Domain Name: (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; (ii) Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and (iii) the Disputed Domain Name has been registered and is being used in bad faith. Policy, paragraph 4(a).

### A. Identical or Confusingly Similar

Based upon the trademark registrations cited by Complainant, it is apparent that Complainant has rights in and to the STRAIGHT ARROW NEWS Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the STRAIGHT ARROW NEWS Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (*i.e.*, "straightarrownewsonline") because "[t]he applicable Top-Level Domain ('TLD') in a domain name (*e.g.*, '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test". WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1.

The Disputed Domain Name contains the STRAIGHT ARROW NEWS Trademark in its entirety, plus the addition of the term "online". As set forth in section 1.7 of [WIPO Overview 3.0](#): "in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing." Also, as set forth in section 1.8 of [WIPO Overview 3.0](#): "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms [...] would not prevent a finding of confusing similarity under the first element."

Accordingly, the Panel finds that Complainant has proven the first element of the Policy.

### B. Rights or Legitimate Interests

Complainant has argued that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, *inter alia*, "Respondent is not affiliated or related to Complainant in any way, and Respondent is not licensed by Complainant or otherwise authorized to use the STRAIGHT ARROW NEWS mark"; "Respondent's use cannot be deemed a *bona fide* offering of goods or services because such use of the Disputed Domain Name should constitute impersonation of Complainant"; "Respondent is not commonly known by the Disputed Domain Name and has not acquired any trademark or service mark rights in the STRAIGHT ARROW NEWS name or mark"; "Respondent uses the Disputed Domain Name to impersonate Complainant and therefore cannot support a claim to rights or legitimate interests"; and "Respondent's use of the Disputed Domain Name cannot be considered 'fair' because it 'falsely suggests affiliation with Complainant.'"

[WIPO Overview 3.0](#), section 2.1, states: "[w]hile the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate

interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

The Panel finds that Complainant has established its *prima facie* case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

### **C. Registered and Used in Bad Faith**

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location. Policy, paragraph 4(b).

Section 3.1.4 of [WIPO Overview 3.0](#) says that “a respondent redirecting a domain name to the complainant's website can establish bad faith insofar as the respondent retains control over the redirection thus creating a real or implied ongoing threat to the complainant.” That alone, therefore, is sufficient regarding the issue of bad faith, and, accordingly, the Panel finds that Complainant has proven the third element 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 <straightarrownewsonline.com> be transferred to Complainant.

*/Douglas M. Isenberg/*

**Douglas M. Isenberg**

Sole Panelist

Date: June 16, 2022