

ADMINISTRATIVE PANEL DECISION

Mav Media, LLC v. Milen Radumilo
Case No. D2022-3759

1. The Parties

The Complainant is Mav Media, LLC, United States of America (“US”), represented by Silverstein Legal, US.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <dirtyloutte.com> is registered with Communigal Communications Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 7, 2022. On October 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 20, 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 the Complainant on October 20, 2022, 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 October 20, 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 the Respondent of the Complaint, and the proceedings commenced on October 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 11, 2022.

The Center appointed Emre Kerim Yardimci as the sole panelist in this matter on November 16, 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

The Complainant operates a video chat platform that allows users to chat with each other by video through the world wide web. They have used the DIRTYROULETTE trademark since February 16, 2010, and has registered the US trademark on December 27, 2016, with the US registration No. 5109884 covering the services in class 38.

The disputed domain name has been registered on November 30, 2021. At the time the Complaint was filed, the disputed domain name resolved to a parking page with Pay-Per-Click (PPC) links.

5. Parties' Contentions

A. Complainant

The disputed domain name is confusingly similar to the Complainant's DIRTYROULETTE trademark with the substitution of the letter "r" with letter "l" and the missing letters "le". This is a case of typosquatting, as these minor modifications were intentional and deliberate misspellings.

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not been authorized or licensed by the Complainant to use its trademark in any manner. To the best of the Complainant's knowledge, the Respondent has never been commonly known by the disputed domain name nor acquired any trademark rights in "dirtyloutte". There has been no *bona fide* offering of goods or services by the Respondent in its manner of use of the disputed domain name as the Respondent is trying to generate traffic and sales commissions from affiliate marketing programs for its own commercial benefit from the Complainant's reputation which is not a *bona fide* intention to use.

The Respondent would have been well aware of the Complainant's well-known trademark DIRTYROULETTE at the time the disputed domain name was registered as the Complainant's DIRTYROULETTE trademark is known before the time of the registration of the disputed domain name.

The registration of a domain name with intentional misspelling of the Complainant's trademark is clear indication of bad faith registration. The Complainant further claims that the Respondent's use of the Complainant's trademark to redirect Internet users to rotating third-party websites for which the Respondent presumably receives commissions amount to a bad faith use.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, the Complainant is required to prove the presence of each of the following three elements to obtain the remedy it has requested:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the 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.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. As indicated above, the Complainant holds US trademark registration since 2016.

The disputed domain name is confusingly similar to the Complainant's mark DIRTYROULETTE where the letter "r" is replaced by the letter "l" and the letters "le" are missing. The Panel agrees that the disputed domain name is a clear case of typosquatting. See section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

As regards the generic Top-Level Domain ".com", it is typically disregarded under the confusing similarity test.

Accordingly, the Panel holds that the disputed domain name is confusingly similar for the purposes of the Policy with a trademark in which the Complainant has rights. As such the Panel holds that paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The onus is on the Complainant to make out at least a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, and it is then for the Respondent to rebut this case. See section 2.1 of the [WIPO Overview 3.0](#).

The Panel accepts the Complainant's submissions that the Respondent does not appear to be known by the disputed domain name, has not used, or made demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services, is not making a legitimate noncommercial or fair use of the disputed domain name, and has no consent from the Complainant to use its trademark.

The Respondent has not filed a Response.

As decided by several UDRP decisions, the Respondent's use of the disputed domain name to redirect online users to a rotating series of third-party websites does not demonstrate rights or legitimate interests in the disputed domain name.

The Complainant has made out its *prima facie* case under this element of the Policy and the Respondent has failed to rebut it. Accordingly, the Complainant succeeds in relation to the second element of the Policy.

C. Registered and Used in Bad Faith

At the time of registration of the disputed domain name which occurred in 2021, the Complainant's trademark DIRTYROULETTE was a widely-known trademark. As the Complainant submits, it is inconceivable beyond any doubt that the Respondent would not have known of the Complainant's trademark. The Respondent did not oppose such arguments.

The incorporation of a well-known trademark into a domain name by a registrant having no plausible explanation for doing so may be, in and of itself, an indication of bad faith (*Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#); *General Electric Company v. CPIC NET and Hussain Syed*, WIPO Case No. [D2001-0087](#); *Microsoft Corporation v. Montrose Corporation*, WIPO Case No. [D2000-1568](#)).

Considering the length of the trademark DIRTYROULETTE and composition of the disputed domain name, the Panel believes that the disputed domain name <dirtyloutte> is a blatant example of typosquatting -*thus bad faith registration and use*- where the spelling of a trademark has been altered by the substitution of one letter (letter “l” instead of letter “r”) and other missing letters “le”.

The Respondent has registered the disputed domain name and redirected to a PPC page. According to [WIPO Overview 3.0](#), section 3.5, the fact that PPC links are generated by a third party, or the fact that the respondent itself may not have directly profited, would by itself not prevent a finding of bad faith.

Given the Respondent’s lack of participation in this proceeding, the lack of any credible good-faith use to which the confusingly similar disputed domain name could be put, and the Respondent’s use of false contact information, the totality of circumstances supports an inference of bad faith. It is not plausible that the disputed domain name was legitimately registered without the intention in some way or another to take unfair advantage of the confusing similarity between the disputed domain name and the Complainant’s trademark.

In addition, the Panel notes that the Respondent seems to be a cybersquatter with a pattern of typosquatting. In previous UDRP cases, the Respondent has been ordered to transfer the domain names in dispute to the concerned trademark owners (see for example, *American Airlines, Inc. v. Super Privacy Service LTD c/o Dynadot / Milen Radumilo*, WIPO Case No. [D2021-1242](#); and *Skyscanner Limited v. Milen Radumilo*, WIPO Case No. [DCO2022-0068](#)).

Therefore, in the view of cumulative circumstances, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to the Policy, paragraph 4(a)(iii).

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 <dirtyloutte.com> be transferred to the Complainant.

/Emre Kerim Yardimci/

Emre Kerim Yardimci

Sole Panelist

Date: November 30, 2022