

ADMINISTRATIVE PANEL DECISION

DAZN Limited v. xue

Case No. D2023-1782

1. The Parties

The Complainant is DAZN Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is xue, China.

2. The Domain Name and Registrar

The disputed domain name <dazn.live> is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 20, 2023. On April 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 21, 2023, 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 (PRIVACY PROTECTION.COM, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 2, 2023 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 amended Complaint on May 5, 2023.

The Center verified that the Complaint together with the amended 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 May 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 30, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 6, 2023.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on June 16, 2023. 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 was founded in 2015 and is a global Internet sports subscription video streaming service operating across a multitude of digital platforms. The Complainant offers a monthly subscription by which users can enjoy a multitude of sporting events. The Complainant is active in over 200 countries with great success. In 2019, the Complainant totaled almost 8 million monthly subscribers with over 500 million hours of streaming content per year.

The Complainant is the owner of the following trademarks:

Trademark	Country	Registration No.	Registration Date	Classes
DAZN	International	1335316	March 2, 2016	9, 16, 35, 36, 38, 41, 42, 45
DAZN	Australia	1892692	June 8, 2017	9, 38, 41
DAZN	United States of America	5264263	August 15, 2017	9, 38, 41
	International	1318196	March 2, 2016	9, 16, 35, 36, 38, 41, 42, 45
	Australia	1918133	February 12, 2018	9, 38, 41
	United States of America	5264264	August 15, 2017	9, 38, 41
DAZN MOMENT	European Union	018597625	March 11, 2022	9, 35, 38, 41

The Complainant is also the owner of various domain names including the trademark DAZN, among which <dazn.fr>, <dazn.us>, <dazn.in>, <dazn.sg> and <dazn.co.za>, all registered in June 2016.

The disputed domain name was registered on February 21, 2023, and resolves to the website “www.sedo.com” where the disputed domain name is offered for sale for the amount of USD 200. On February 27, 2023, the Complainant sent a cease and desist letter to the Respondent, without receiving any reply.

5. Parties' Contentions

A. Complainant

The Complainant maintains that the disputed domain name is identical to its DAZN trademark.

The Complainant further maintains that the Respondent lacks rights or legitimate interests in the disputed domain name. To the best of the Complainant's knowledge, the Respondent does not own trademark rights on the term “dazn”. There is also no evidence that the Respondent retains unregistered trademark rights

over this term. The Complainant did not license the right to use its DAZN trademark to the Respondent. The Respondent does not appear to be commonly known by the disputed domain name.

The disputed domain name resolves to the website “www.sedo.com”, where the disputed domain name is offered for sale. This circumstance shows that the Respondent’s primary purpose for the registration of the disputed domain name is to generate an undue profit. Such use does not confer genuine offering of goods or services and does not amount to a *bona fide* use of the disputed domain name.

Lastly, the Complainant maintains that the disputed domain name was registered and has been used in bad faith. The Complainant’s trademark has a strong reputation in the field of live sport streaming services and is exclusively associated with the Complainant. An Internet search on Google shows that all results of a search using the key word “dazn” lead to the Complainant. Moreover, the Respondent has decided to ignore a cease and desist letter by the Complainant. The Respondent is using the disputed domain name to redirect to the “www.sedo.com” website, where the disputed domain name is offered for sale for the amount of USD 200. The Respondent also listed the domain name <dan.com> and other domain names corresponding to well-known third parties’ trademarks for the same price. Such price is beyond the out-of-pocket costs related to the disputed domain name given its very recent registration. Therefore, the Complainant asserts that the Respondent primarily registered the disputed domain name to sell it back to the Complainant, or its competitors for a sum in excess of the Respondent’s out-of-pocket costs.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name simply consists of the Complainant’s trademark DAZN, followed by the generic Top-Level Domain (“gTLD”) “.live”. Where a domain name incorporates the entirety of a trademark, it will usually be considered identical or confusingly similar to the mark (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). Also, as explained in section 1.11 of the [WIPO Overview 3.0](#), the gTLD acts as a standard registration requirement and may be disregarded for purposes of considering the first element confusing similarity test. Accordingly, the Panel finds that the disputed domain name is identical to the Complainant’s trademark DAZN and that the Complainant has duly circumstantiated the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

While the overall burden of proof rests with the complainant, UDRP panels have recognized that this could result in the often impossible task of proving a negative, requiring information that is often primarily within the knowledge 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 shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

In the instant case, the Panel notes that the Complainant has no relation with the Respondent and that the Complainant did not authorize the Respondent to incorporate its DAZN trademark in the disputed domain name. Furthermore, there are no elements in the file showing that the Respondent has been commonly known by the disputed domain name. Moreover, it does not appear that the Respondent owns trademark rights for the term “dazn”. The Respondent chose to register the disputed domain name under the gTLD “.live”, which refers to the Complainant’s activity offering live and on-demand sport streaming services. According to section 2.14.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), when the TLD is descriptive of or relates to goods or services, or other term associated with the complainant, the respondent’s selection of such TLD would tend to support a

finding that the respondent obtained the domain name to take advantage of the complainant's mark and as such that the respondent lacks rights or legitimate interests in the domain name. In the instant case, the disputed domain name is highly misleading as customers looking for the Complainant could believe that the disputed domain name resolves to a website where the Complainant streams live sporting events (as opposed to another website where the Complainant offers sporting events on-demand).

The fact that the disputed domain name resolves to a page where it is offered for sale shows that the Respondent has no intention to use the disputed domain name in connection with a *bona fide* offering of goods or services, or make a legitimate noncommercial or fair use of it. The offer for sale of a domain name identical to a third party's well-known trademark can never confer rights or legitimate interests to the domain name owner.

In light of the foregoing, the Panel is satisfied that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. Therefore, the burden of production shifts to the Respondent to provide convincing arguments and evidence supporting its rights or legitimate interests. However, the Respondent failed to meet this burden by choosing not to file its response.

The Panel is therefore satisfied that the second requirement under the Policy is met.

C. Registered and Used in Bad Faith

In light of the distinctive character and reputation of the Complainant's trademark, the nature of the disputed domain name including the Complainant's trademark in its entirety, and the chosen Top-Level Domain ".live", which refers to the Complainant's activity, the Panel finds that it is more than likely that the Respondent was well aware of the Complainant's DAZN trademark when it registered the disputed domain name. Accordingly, the Panel finds that the disputed domain name has been registered in bad faith.

The disputed domain name is offered for sale on the Sedo platform for an amount of USD 200. Although such amount is not particularly high, it is certainly higher than the out-of-pocket costs related to the disputed domain name, considering that it was registered quite recently. Moreover, the Complainant has provided evidence showing that the Respondent has engaged in a pattern of registering domain names identical or confusingly similar to third party's renown trademarks to offer them for sale, all at the same price of USD 200. Therefore, in these circumstances, the Panel concludes the Respondent is using the disputed domain name primarily for selling it for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name.

Moreover, the chosen gTLD ".live", which corresponds to one of the Complainant's areas of business, the fact that the Respondent used a privacy service to conceal its true identity when registering the dispute domain name, and that the Respondent failed to reply to the Complainant's cease and desist letter are further indications of bad faith.

Lastly, in consideration of the disputed domain name being identical to the Complainant's trademark, the reputation of the DAZN trademark, and of the Respondent's lack of rights or legitimate interests in the disputed domain name, the Panel cannot consider any plausible legitimate or fair use of the disputed domain name by the Respondent. In light of the above, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith.

The Panel is therefore satisfied that the third requirement under the Policy is met.

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 <dazn.live> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: June 30, 2023