

## **ADMINISTRATIVE PANEL DECISION**

Grand Ole Opry IP, LLC v. mohamed bennani, Ticketwood, Inc  
Case No. D2023-2948

### **1. The Parties**

Complainant is Grand Ole Opry IP, LLC, United States of America (“United States”), represented by Adams and Reese LLP, United States.

Respondent is mohamed bennani, Ticketwood, Inc, United States.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 11, 2023. On July 11, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 12, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on July 13, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 14, 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 Respondent of the Complaint, and the proceedings commenced on July 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 15, 2023.

The Center appointed Michael A. Albert as the sole panelist in this matter on August 25, 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

Complainant is the owner of the famous GRAND OLE OPRY trademark and the short-hand version of the mark, OPRY. Complainant uses the marks in connection with live music concerts and other entertainment services, including facilitating online ticket sales for such events. The GRAND OLE OPRY is both a weekly performance showcase featuring country music performers and a widely renowned event venue located in Nashville, Tennessee, United States. The GRAND OLE OPRY radio show, which adopted its name in 1928, is the longest continuous country music radio show broadcast in history. Since the first use of the GRAND OLE OPRY mark in 1928, Complainant has promoted the mark continuously and extensively.

Complainant owns numerous Trademark registrations for the marks GRAND OLE OPRY and OPRY in the United States and in various other countries. Complainant's United States registrations for the GRAND OLE OPREY and OPRY Marks include the following:

Trademark	Application No.	Application Date	Registration No.	Registration Date
GRAND OLE OPRY	71571588	January 3, 1949	527589	July 11, 1950
GRAND OLE OPRY	72000932	January 17, 1956	645898	May 21, 1957
GRAND OLE OPRY	78362902	February 5, 2004	2937990	April 5, 2005
OPRY	87029919	May 9, 2016	5104781	December 20, 2016
OPRY	87030666	May 10, 2016	5118215	January 10, 2017
OPRY	87719555	December 13, 2017	6043010	April 28, 2020

The Disputed Domain Name was registered on April 11, 2023. At the time of filing this Complaint, it resolved to a website prominently displaying Complainant's trademarks and promoting unauthorized ticket sales to Complainant's events.

#### 5. Parties' Contentions

##### A. Complainant

The Disputed Domain Name fully incorporates the well-known GRAND OLE OPRY and OPRY trademarks and is therefore identical or confusingly similar to Complainant's mark, notwithstanding the inclusion of the generic or descriptive term "Nashville".

Complainant confirms that it has not given Respondent authorization for the use of its marks. Respondent is not commonly known by the Disputed Domain Name, nor is Respondent making a legitimate noncommercial or fair use of the Disputed Domain Name.

Respondent's incorporation of Complainant's famous, widely-known GRAND OLE OPRY and OPRY trademarks into the Disputed Domain Name creates a presumption of bad faith. In addition, Respondent has been using the Disputed Domain Name in bad faith to divert Internet users, namely, potential visitors to Complainant's GRAND OLE OPRY events, to a website prominently using the Opry Marks to advertise Respondent's own unauthorized ticket sales to Complainant's events. Respondent is misleading those users into believing that the Disputed Domain Name is operated by Complainant.

Respondent's use of this Disputed Domain Name is part of a pattern of bad faith behavior consisting of registering domain names confusingly similar to established trademarks for commercial gain.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

Complainant has rights to the GRAND OLE OPREY and OPRY marks, as demonstrated by its registrations and widespread continued use. The Disputed Domain Name is confusingly similar to Complainant's well-known marks because it contains the entirety of Complainant's marks with the addition of "Nashville" and a generic Top-level Domain ("gTLD"). Numerous UDRP panels deciding cases under the Policy have held that the incorporation of a complainant's well-known mark in full in a disputed domain name is a compelling factor in favor of a finding of confusing similarity, and that the addition of other terms – particularly when such terms are associated with the mark or its owner – does not prevent a finding of confusing similarity between the Disputed Domain Name and Complainant's marks. See *National Association for Stock Car Auto Racing, Inc. v. Racing Connection / The Racin' Connection, Inc.*, WIPO Case No. [D2007-1524](#).

The Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

Respondent is not known by Complainant's marks. Complainant confirms that it has not authorized Respondent's use of its marks or the registration of the Disputed Domain Name. After becoming aware of the Disputed Domain Name, counsel for Complainant attempted to contact Respondent via the email address shown on the website at the Disputed Domain Name to request that Respondent cease its infringing use of its GRAND OLE OPRY and OPRY marks and transfer the Disputed Domain Name to Complainant. That email was not delivered/not accepted by the recipient's email system. Complainant's counsel also sent Respondent, via the registrar's standard Contact Domain Holder form, a notice indicating that the "Domain name or content is infringing on a trademark or violating local laws or regulations". Respondent did not respond to Complainant's notice or Complaint and has failed to rebut Complainant's *prima facie* case.

Also, Respondent is not using the Domain Name in connection with a *bona fide* offering of goods or services, or in a legitimate noncommercial or fair manner. Respondent uses the Disputed Domain Name to direct to an unauthorized ticket reseller website, which uses Complainant's marks to advertise and sell tickets to Complainant's events. The services offered on Respondent's website are identical to those offered on Complainant's website "www.opry.com". By using the Disputed Domain Name in this manner, Respondent misleads Internet users, in particular, potential visitors to Complainant's GRAND OLE OPRY events, into believing that Complainant operates the website found at the Disputed Domain Name. The content of Respondent's website further exacerbates this confusion with prominent use of the Opry Marks and misleading statements implying the website is operated by Complainant. See *American Honda Motor Co. Inc. v. Hector Henriquez*, WIPO Case No. [D2018-0787](#) (finding no rights or legitimate interests where respondent was using the domain to direct to a website displaying complainant's trademarks).

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

Complainant's trademark registrations predate the registration of the Disputed Domain Name. Given the long use and fame of Complainant's marks, Respondent clearly knew or should have known of Complainant's marks at the time Respondent registered and used the Disputed Domain Name. Respondent clearly had Complainant in mind when registering the Disputed Domain Name, which also incorporates the city name "Nashville", where Complainant is located. Such knowledge is sufficient to establish that the Disputed Domain Name was appropriated by Respondent in bad faith.

Further, Respondent uses the Disputed Domain Name to direct Internet users to a webpage prominently using the Opry Marks to advertise Respondent's own unauthorized ticket sales to Complainant's events. Intentionally attempting to attract, for commercial gain, Internet users to a competing website, by creating a likelihood of confusion with Complainant's marks as to the source, sponsorship, affiliation, or endorsement of Respondent's website or other location, constitutes bad faith. This is sufficient to establish that the Disputed Domain Name was used by Respondent in bad faith.

## **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, <grandoleoprynnashville.store>, be transferred to Complainant.

*/Michael A. Albert/*

**Michael A. Albert**

Sole Panelist

Date: September 8, 2023