

## **ADMINISTRATIVE PANEL DECISION**

United Talent Agency, LLC v. Lianxin Zhou  
Case No. D2024-1160

### **1. The Parties**

The Complainant is United Talent Agency, LLC, United States of America (“United States”), represented by Richard J. Greenstone, Attorneys & Counselors at Law, United States.

The Respondent is Lianxin Zhou, Hong Kong, China.

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

The disputed domain name <unitedtalentagency.com> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 16, 2024. On March 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (PRIVACYGUARDIAN.ORG, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 20, 2024, 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 March 23, 2024.

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 March 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 16, 2024.

The Center appointed Steven A. Maier, Gary Saposnik, and Knud Wallberg as panelists in this matter on April 26, 2024. The Panel finds that it was properly constituted. Each member of 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 is an international talent agency with permanent offices in the United States and the United Kingdom.

The Complainant is the owner of various trademark registrations for the mark UNITED TALENT AGENCY, including United Kingdom trademark registration number 2586558 for the word mark UNITED TALENT AGENCY, registered on October 7, 2011 in International Class 35.

The disputed domain name was first registered on April 16, 2000. It appears at one time, up to approximately March 2018, to have been operated by the Complainant itself.

The Complainant submits that the disputed domain name has at various times resolved as follows:

- On January 27, 2022, to a website offering male sexual enhancement supplements;
- On April 16, 2022, to a parking page;
- On August 15, 2022, to a website offering male sexual enhancement supplements;
- On November 2, 2023, to a Chinese pornographic website;
- On November 27, 2023, to a Chinese website offering car batteries and other auto accessories; and
- On March 20, 2024, to an error message.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant submits that it operates five permanent office locations in the United States and one in London, United Kingdom, and that it represents high-profile talent from around the world, including actors, authors, producers, directors, Oscar winners and Nobel Prize winners. It exhibits evidence of its history and business profile since its foundation in 1991, together with search results from the New York Times news archive making reference to its operations. The Complainant submits that its trademark UNITED TALENT AGENCY is widely known internationally in the circumstances.

The Complainant submits that, on a side-by-side comparison, the disputed domain name is essentially identical to its trademark UNITED TALENT AGENCY.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It contends that, based on historical Whois records, the Respondent most likely acquired the disputed domain name on March 21, 2022. It submits that none of the uses of the disputed domain name since that date, as set out above, has any connection with the mark UNITED TALENT AGENCY and that the Respondent has not therefore used the disputed domain name in connection with any bona fide offering of goods or services.

The Complainant submits that the disputed domain name was registered and has been used in bad faith. The Complainant contends that the disputed domain name is identical to its widely-known UNITED TALENT AGENCY trademark and that the Respondent is likely to have been aware of that trademark when it registered the disputed domain name. The Complainant submits that the Respondent has offered no credible explanation for its registration of the disputed domain name, and has used the disputed domain name for a number of websites unrelated to the UNITED TALENT AGENCY mark, from which it has derived pay-per-click ("PPC") or online sales revenue.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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**

The Complainant has established that it is the owner of registered trademark rights for the mark UNITED TALENT AGENCY. The disputed domain name is identical to that trademark and the Panel therefore finds that the disputed domain name is identical to a trademark in which the Complainant has rights.

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

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. The Panel finds moreover that the Respondent registered the disputed domain name in order unfairly to target the goodwill attaching to the Complainant's UNITED TALENT AGENCY trademark, which conduct cannot give rise to rights or legitimate interests for the purposes of the Policy. The Panel finds therefore that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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

The Panel finds the Complainant's UNITED TALENT AGENCY trademark to be distinctive of the Complainant and its services and to have gained significant public recognition internationally. The disputed domain name is identical that trademark and the Respondent has neither explained its choice of the disputed domain name nor used the disputed domain name for any descriptive or generic purpose to which the disputed domain name ostensibly relates. In the circumstances, the Panel infers on balance that the Respondent registered the disputed domain name with the Complainant's trademark in mind and with the intention of taking unfair advantage of the goodwill attaching to that trademark.

The Panel finds the disputed domain name to be inherently deceptive, as inevitably suggesting to Internet users that it is owner or operated by, or otherwise commercially affiliated with, the Complainant. The Respondent has used the disputed domain name to resolve to a number of websites, including those related to pornography, from which it must be reasonably assumed to have derived financial gain, whether by way of PPC advertising or otherwise.

The Panel finds therefore that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel finds in the circumstances that the disputed domain name has been registered and is being used 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 <unitedtalentagency.com> be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**  
Presiding Panelist

*/Gary Saposnik/*

**Gary Saposnik**  
Panelist

*/Knud Wallberg/*

**Knud Wallberg**  
Panelist  
Date: May 10, 2024