

ADMINISTRATIVE PANEL DECISION

VS Media, Inc. v. Milen Radumilo
Case No. D2024-2924

1. The Parties

The Complainant is VS Media, Inc., United States of America, represented by SafeNames Ltd., United Kingdom.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <flirt4freemodel.com> is registered with DropCatch.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 17, 2024. On July 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 19, 2024, 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 (Redacted for Privacy, NameBrightPrivacy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 23, 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 July 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 July 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 15, 2024.

The Center appointed Hong Yang as the sole panelist in this matter on August 22, 2024. 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 is a company founded in 1996 and specialized in live-cam communications, owning a network of live-streaming sites, particularly including an adult entertainment website since its founding.

The Complainant holds a portfolio of trademarks in numerous jurisdictions containing the wording FLIRT4FREE, including the following: the United States Patent and Trademark Office (“USPTO”) Registration No. 2684274, registered on February 4, 2003, the Australian Trademark Registration No. 1688538, registered on April 21, 2015, and the European Trademark Registration No. 014028997, registered on September 9, 2015.

The Complainant operates a website under the domain name <flirt4free.com>, registered on February 10, 1999, which received an average of around 52.5 million visits per month between June and July 2024. It also promotes its services in social media under the FLIRT4FREE name, e.g., the link on X: “https://x.com/flirt4free”, with 118k followers. The Complainant’s services as well as its website under the FLIRT4FREE mark received various awards in its industry in recent years, and is frequently featured in articles collated as the best Cam2Cam services.

The disputed domain name was registered on March 23, 2024. According to the evidence provided by the Complainant, the disputed domain name resolves to a domain trading platform where the disputed domain name is listed by the Respondent for sale at a price of GBP 535.15. It’s further shown that the Respondent has previously used the disputed domain name to host a number of Pay-Per-Click (PPC) links which contain promotions and advertisements regarding various areas including media and shopping. Moreover, the Respondent has been subject to over 10 UDRP proceedings regarding famous brands owners within the year of 2023, in all of which the Respondent was found with registration and use in bad faith. See e.g., *Meta Platforms, Inc., Meta Platforms Technologies, LLC v. Milen Radumilo*, WIPO Case No. [D2023-2657](#); *International Business Machines Corporation v. Milen Radumilo*, WIPO Case No. [D2023-2971](#); and *LinkedIn Corporation v. Milen Radumilo*, WIPO Case No. [D2023-2291](#).

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term, here, “model”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel notes that the composition of the disputed domain name itself carries a risk of implied affiliation, where the disputed domain name consists of the Complainant’s mark plus a purely descriptive term. Particularly, the additional term “model” is within the Complainant’s field of commerce about live camera chat with models, and closely corresponds to the Complainant’s relevant services under its well-known mark, indicating an intention of impersonation. Where a domain name consists of a trademark plus an additional term, panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

According to the available record, the Respondent was not affiliated or otherwise authorized by the Complainant, neither does the Respondent appear to hold any registered or unregistered trademark or service mark rights for the FLIRT4FREE mark anywhere. There is no evidence indicating that the Respondent might be commonly known by the disputed domain name.

At the time of filing of the Complaint, the disputed domain name resolves to an online domain names market where the disputed domain name is offered for sale. Previously, the disputed domain name resolved to a website hosting PPC links, which though not directly related to the Complainant’s business, offer commercial promotions and advertisements in areas that are clearly not under any possible generic meaning in respect of the disputed domain name. The Panel is convinced that the Respondent has capitalized on the well-known mark of the Complainant, and doesn’t make any use of or demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. Neither does the Respondent make any legitimate noncommercial or fair use of the disputed domain name in those manners.

Panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent used without any license or authorization the Complainant's trademark plus a purely descriptive term. The Complainant's trademark FLIRT4FREE is well-known and the Complainant's registration and use of its mark much predate the Respondent's registration of the disputed domain name, so the Respondent must have been aware of the Complainant's mark at the time of registering the disputed domain name. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4

According to the available record, the disputed domain name has never been used for a bona fide offering of goods or services, neither for any legitimate noncommercial or fair use. Instead, it resolves to a professional domain name trading platform where the Respondent offered the disputed domain name for sale at a price of GBP 535.15, which is seemingly far in excess of the documented out-of-pocket costs directly related to the disputed domain name. The Panel infers that the Respondent has registered the disputed domain name primarily for the purpose of selling, renting or otherwise transferring it to the Complainant or its competitors for valuable consideration in excess of normal costs, thus in an attempt to profit from or exploit the Complainant's mark. This constitutes registration and use in bad faith under paragraph 4(b)(i) of the Policy.

Previously, the disputed domain name was also used to host PPC links containing apparent promotions and advertisements. Although they didn't point to businesses in direct competition with the Complainant, it appeared that they were placed to attract Internet users to the site in a mistaken belief that it was associated with the Complainant. The intention of such PPC links had to be commercial gain through PPC revenues and other possible business opportunities. The Respondent clearly targeted the Complainant and attempted to take unfair advantage of the Complainant's famous mark, through misleading internet users to the website under the disputed domain name, and creating a likelihood of confusion as to the sponsorship, affiliation, or endorsement of the Respondent's site under the disputed domain name as well as the PPC links and contents in it. The Panel is convinced that this can constitute bad faith under paragraph 4(b)(iv).

Moreover, the Respondent seems to have engaged in a pattern of trademark-abusive registrations for other domain names encompassing well-known marks of various third parties. The Respondent has been subject to a large number of past UDRP proceedings, all finding registration and use for third-party trademarks in bad faith. This further corroborates the finding of bad faith in the present case. Panels have found a pattern of abuse where the respondent registers, simultaneously, or otherwise, multiple trademark-abusive domain names corresponding to distinct marks of individual brand owners. Meanwhile, Panels have also held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration. [WIPO Overview 3.0](#), section 3.1.2.

The Panel finds that the Complainant has established 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 <flirt4freemodel.com> be transferred to the Complainant.

/Hong Yang/

Hong Yang

Sole Panelist

Date: September 5, 2024