

ADMINISTRATIVE PANEL DECISION

MediaNews Group, Inc. and Tribune Publishing Company, LLC v. Booa
LOPP and Jaears Mljnau
Case No. D2024-3163

1. The Parties

The Complainants are MediaNews Group, Inc., United States of America (“United States”), and Tribune Publishing Company, LLC, United States, represented internally.

The Respondents are Booa LOPP, United States, and Jaears Mljnau, United States.

2. The Domain Names and Registrar

The disputed domain names <medianewsgroupquestors.com> and <tribpubquestline.com> are registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 1, 2024. On August 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 2, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (See PrivacyGuardian.org) and contact information in the Complaint.

The Center sent an email communication to the Complainants on August 8, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainants to either file separate complaint for the disputed domain names associated with different underlying registrants or alternatively demonstrate that the underlying registrants are in fact the same entity or that all domain names are under common control. The Complainants filed an amended Complaint on August 12, 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 Respondents of the Complaint, and the proceedings commenced on August 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on September 9, 2024.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on September 13, 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 MediaNews Group, Inc. ("MNG") is a corporation headquartered in Denver, Colorado, United States. The Complainant Tribune Publishing Company, LLC ("Tribune Publishing") is a limited liability company based in Schaumburg, Illinois, United States. Both Complainants publish print and electronic newspapers and a variety of other news media in the United States. The Complainants are "affiliated by way of common ownership".

The Complainant MNG and its subsidiaries publish 68 daily newspapers, including the Denver Post, San Jose Mercury News, Orange County Register, and Boston Herald. The Complainant Tribune Publishing publishes seven daily newspapers, the Chicago Tribune, Hartford Courant, The Morning Call, The Virginian-Pilot, Daily Press, Orlando Sentinel, and Sun Sentinel. Both Complainants operate websites associated with these publications, as well as other digital news media. The record includes numerous examples of industry and media recognition of the Complainants for journalism (including Pulitzer Prizes) and as employers.

The Complainant MNG has operated a website at "www.medianewsgroup.com" (the "MNG website") since November 1996. The Complainant Tribune Publishing has operated a website at "www.tribpub.com" since January 30, 2014.

The Complainant MNG holds relevant United States trademark registrations, including the following:

Mark	United States Registration Number	Registration Date	Goods or Services
MEDIANEWS GROUP (word)	1616671	October 9, 1990	IC 16, newspapers
MEDIANEWS GROUP (word)	2943329	April 26, 2005	IC 35 and 41, advertising services and online news reporting

The Complainant Tribune Publishing has not registered TRIBUNE PUBLISHING as a trademark but claims it as a common law mark based on "ongoing and consistent use in commerce". The Complainant Tribune Publishing demonstrates that it was formed in 2012, spinning off from a former parent company and later adopting a domain name, <tribpub.com>, that reflected the new company name, "Tribune Publishing", in abbreviated form. The Complaint attaches an April 2021 article from the New York Times referring to the Complainant as "Tribune Publishing, a major newspaper chain" and a July 2024 article from the Chicago Sun Times referring to "Tribune Publishing". The Panel notes that every page of the Complainant Tribune Publishing's website is headed "Tribune Publishing", which is not the full name of the company, and that the website refers to advertising services as well as "local media businesses in seven markets", with explicit references to "quality" services and brand recognition in media and advertising markets. Thus, TRIBUNE PUBLISHING is used in a trademark sense and not solely as a trade name. The Panel finds similar usage in historical screenshots of the Complainant Tribune Publishing's website since 2014 archived by the Internet Archive's Wayback Machine, in addition to the media references furnished with the Complaint.

The disputed domain name <medianewsgroupquestors.com> was created on July 22, 2024, and was registered using a domain privacy service. After receiving notice of the Complaint in this proceeding, the Registrar identified the underlying registrant as the Respondent “Booa LOPP”, listing a postal address in the State of Florida, United States, and a Gmail contact email address.

The disputed domain name <tribpubquestline.com> also was created on July 22, 2024, and was registered using a domain privacy service. After receiving notice of the Complaint in this proceeding, the Registrar identified the underlying registrant as the Respondent “Jaeers Mljnau”, listing a postal address in the State of California, United States, and a Gmail contact email address.

At the time of this Decision, neither of the disputed domain names resolves to an active website.

However, both of the disputed domain names were registered on the same day, July 22, 2024, and on the next day, July 23, 2024, both Complainants were contacted by members of the public seeking to confirm the validity of emails they had received from addresses using the disputed domain names, purportedly offers of employment respectively with the Complainants’ organizations. Some of these individuals had responded to the emails, expressing interest in a position as a “full-time remote reporter”, and they then received detailed interview questions to complete, again from email addresses associated with the disputed domain names. Some applicants completed the interview questions and were then asked to submit additional personal information including resumes; some were even sent employment agreements. Examples are attached to the Complaint. The interview questions and agreements came on documents headed with the Complainants’ respective letterhead and (outdated) postal addresses. None of these communications or materials actually came from the Complainants, and the “human resources” personnel named in them are not employees of the Complainants.

The Complainants demonstrate as well that the postal addresses listed in the registration of the disputed domain names are fictitious. Thus, the registration and use of the disputed domain names are evidently part of an elaborate job phishing scam to elicit personal information from individuals seeking employment.

5. Parties’ Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainants contend that the disputed domain names are confusingly similar, respectively, to the Complainant MNG’s registered MEDIANEWS GROUP mark and the Complainant Tribune Publishing’s common law TRIBUNE PUBLISHING mark. The Complainants assert that the Respondents had no permission to use these marks and that there is no indication that the Respondents have been known by corresponding names or have used the disputed domain names in connection with a bona fide commercial offering or a legitimate noncommercial or fair use. Rather, the Respondents have used the disputed domain names only to create email addresses “used to solicit sensitive personal information from potential job candidates by posting fake job advertisements”. The Complainants argue that this does not reflect a legitimate interest and also constitutes bad faith under the Policy, impersonating the Complainants and phishing for personal information, as does the provision of false contact details in the registration of the disputed domain names.

B. Respondents

The Respondents did not reply to the Complainants’ contentions.

6. Discussion and Findings

Consolidation: Multiple Complainants and Respondents

The amended Complaint was filed by two related Complainants in relation to nominally different domain name registrants. Given their relationship, the Panel finds that the Complainants (referred to below as “the Complainant”) have a specific common grievance against the Respondents and consolidation is proper. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.11.1.

The Complainant suggests that the domain name registrants are the same entity or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant’s request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant’s request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel notes that the two disputed domain names were registered on the same day with the same Registrar, using the same domain privacy service, furnishing false contact details. The disputed domain names have a similar composition, adding a form of the word “quest” to the respective Complainant’s mark. Both disputed domain names were then promptly used in the same manner for a job phishing scam, using the same emails, interview materials, and employment agreements, changing only the name and address of the company. Thus, the facts point to a common scheme operated by the same person or persons, or those under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

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 names. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of trademarks or service marks for the purposes of the Policy, respectively the Complainant MNG’s registered MEDIANEWS GROUP mark and the Complainant Tribune Publishing’s common law TRIBUNE PUBLISHING mark (as detailed above). [WIPO Overview 3.0](#), sections 1.2.1 (registered trademarks) and 1.3 (unregistered or common law marks).

The Panel finds that these marks are recognizable, respectively, within the disputed domain names. The MEDIANEWS GROUP mark is incorporated in its entirety in the disputed domain name <medianewsgroupquestors.com> and the disputed domain name <tribpubquestline.com> incorporates TRIBUNE PUBLISHING in shortened form (“trib” and “pub”) as the former part of the disputed domain name. Accordingly, the disputed domain names are confusingly similar to the respective marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “questors” and “questline”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the respective marks 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 names. 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 names such as those enumerated in the Policy or otherwise. The disputed domain names do not correspond to the Respondent’s names and have not been used for websites reflecting any bona fide commercial use or legitimate noncommercial use.

Moreover, panels have held that the use of a domain name for illicit activity (here, evidently involving impersonation and a job phishing scam to fraudulently obtain personal information) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 was clearly aware of the Complainant and its marks, copying the marks and imitating the Complainant’s logos and addresses in correspondence to job applicants attached to emails using the disputed domain names. The fact that the Respondent composed both disputed domain names using as the formative part of the Complainant’s domain names (e.g., <medianewsgroup.com> and <tribpub.com>) reinforces the Panel’s finding that the Respondent registered the disputed domain name with the Complainant in mind.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illicit activity constitutes bad faith, such as impersonation and phishing for personal information from job applicants in the present case. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy. This conclusion is reinforced in this instance by the Respondent's furnishing of false registration contact details.

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 names <medianewsgroupquestors.com> and <tribpubquestline.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: September 23, 2024