

## **ADMINISTRATIVE PANEL DECISION**

Ghost Management Group, LLC v. Savannah Clements, stril swap  
Case No. D2024-3447

### **1. The Parties**

Complainant is Ghost Management Group, LLC, United States of America (“United States”), represented by Friedland Cianfrani LLP, United States.

Respondent is Savannah Clements, stril swap, United States.

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

The disputed domain name <weedmapss.com> is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 22, 2024. On August 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 26, 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 (Unknown Registrant of Domain Name weedmapss.com) and contact information in the Complaint. The Center sent an email communication to Complainant on August 26, 2024, 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 August 30, 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 Respondent of the Complaint, and the proceedings commenced on September 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 23, 2024.

The Center appointed Frederick M. Abbott, Roderick Thompson, and Lynda M. Braun as panelists in this matter on October 15, 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

Complainant is a limited liability company organized in the State of Delaware, United States. Complainant operates a cannabis technology platform providing integrated solutions for cannabis consumers and businesses.<sup>1</sup> Complainant's business clients are integrated with a marketplace of more than 16 million consumers and a network of trusted retailers. Complainant's consumer-facing platform (available on the web at "www.weedmaps.com", and through native Android and iOS apps), provides consumers with information regarding cannabis products, including online ordering, local retailer and brand listings, product discovery, and consumer education on cannabis and its history, uses, and legal status.

Complainant is the owner of registrations for the word, and word and design, trademark WEEDMAPS on the Principal Register of the United States Patent and Trademark Office ("USPTO"), including word registration number 5424530, registration dated March 13, 2018, in International Class ("IC") 35, covering promoting goods and services of others in the sport and music sectors, as further specified; registration number 6889828, registration dated November 1, 2022, in ICs 9, 35, 38, 39 and 42, covering, inter alia, computer software for engaging and coordinating customer pickup, transportation and delivery services; advertising and promotion services; telecommunications services; providing a website featuring information; providing temporary use of online downloadable software, each as further specified, and; word and design registration number 4943997, registration dated April 26, 2016, in ICs 9, 35, 38 and 42, covering, inter alia, downloadable software featuring information in the field of medical cannabis and herbal products, promoting goods and services of others, providing for online forums, and creating an online community, as further specified.<sup>2</sup> Complainant indicates that it owns additional registrations for the WEEDMAPS trademark in jurisdictions outside the United States.

According to the Registrar's verification, Respondent is registrant of the disputed domain name. According to the WhoIs record, the disputed domain name was registered on July 2, 2024. There is no indication on the record of this proceeding that any party other than Respondent has owned or controlled the disputed domain name since its initial creation date.

There is no evidence on the record of this proceeding that Respondent has used the disputed domain name in connection with an active website. Complainant has provided evidence in the form of an email dated July 2, 2024, using Respondent's disputed domain name as the sender's domain and, without authority, the name of an actual employee of Complainant as the sender's username. This email was directed to a business customer of Complainant and stated:

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<sup>1</sup> Complainant did not provide a narrative description of its business in its Complaint. Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, panels may undertake limited factual research into matters of public record if they would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.8. The Chair of the Panel prepared the narrative in this section based on a visit to the "About Us" page of Complainant's website (Panel Chair visit of October 18, 2024), and the place of organization listed in its trademark filings. Complainant's active trademark registration filings encompass a range of activities consistent with its website information.

<sup>2</sup> Complainant has provided additional evidence of trademark registrations at the USPTO. Several of these are owned by a Nevada corporate entity which differs from Complainant. Although the Nevada entity may well be affiliated with Complainant, the Panel does not rely on these registrations and did not seek clarification of affiliation because this is not necessary to making its determination in this proceeding.

"In regards to the above subject for payment, please note our old banking details on your file can not be used for any incoming transactions due to audit, please remit payment via ACH transfer to our updated account information as our old account has been closed, please see below for your Reference and action. Can you please advise when we can expect payment?"

The above-quoted text is followed by account details at a major United States bank. There is no indication as to whether the business customer of Complainant addressed by this email transmitted the requested payment to the banking account fraudulently provided to it by Respondent.

There is no evidence of any association, commercial or otherwise, between Complainant and Respondent.

## **5. Parties' Contentions**

### **A. Complainant**

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

Notably, Complainant contends that it owns rights in the trademark WEEDMAPS and that the disputed domain name is confusingly similar to that trademark.

Complainant alleges that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent's use of the disputed domain name involved an attempt to defraud Complainant and at least one of its customers; (2) Respondent has impersonated Complainant's personnel as part of its scheme to defraud, and; (3) Respondent's use of the disputed domain name to perpetrate fraud and theft is blatantly criminal and illegitimate.

Complainant argues that Respondent registered and used the disputed domain name in bad faith because: (1) Respondent deliberately registered the disputed domain name with a minimally noticeable typographical difference from Complainant's customary domain name in order to impersonate Complainant's personnel and to attempt to defraud Complainant and its customer; (2) Respondent's use of the disputed domain name to perpetrate fraud and theft is in bad faith and blatantly criminal.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

### **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

The Center formally notified the Complaint to Respondent at the email, telefax and physical addresses provided in its record of registration. Courier delivery to the address used by Respondent in its record of registration could not be completed because Respondent had provided apparently false address information. Telefax transmission could not be completed to the number provided by Respondent. There is no indication as to specific difficulties regarding email transmission. The Center took those steps prescribed by the Policy and the Rules to provide notice to Respondent, and those steps are presumed to satisfy notice requirements.

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief. These elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) 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**

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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 entirety of the mark is reproduced 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.

The mere addition by Respondent of an "s" to Complainant's trademark 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving 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 Respondent. As such, where Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent, as here, fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Respondent's registration and use of the disputed domain name to create an email address giving the appearance of originating from an employee of Complainant, with a barely noticeable difference from Complainant's ordinary business email address, and directing a customer to transfer funds to Respondent's bank account, evidences an attempt to defraud Complainant and its customer. Such registration and use does not constitute fair use of Complainant's trademark, nor does it constitute a bona fide offer of services. There is no indication that Respondent has been commonly known by the disputed domain name or Complainant's trademark. Respondent's registration and use of the disputed domain name does not otherwise manifest rights or legitimate interests.

Panels have held that the use of a domain name for illegal activity, here claimed impersonation and attempt to defraud, 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 Respondent was manifestly aware of Complainant and its trademark when it registered and used the disputed domain name as evidenced, inter alia, by its specific unauthorized use of the name of an actual employee of Complainant in its attempt to defraud Complainant and its customer.

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.

Respondent registered and used the disputed domain name for commercial gain by creating an email address intended to deceive its recipient as to the identity of the sender in an effort defraud Complainant and its customer. Respondent has not attempted to provide a justification for its conduct. Respondent has intentionally for commercial gain attempted to confuse at least one customer of Complainant as to the source of an email message originating from Respondent's online location. Such conduct constitutes abusive domain name registration and use within the meaning of paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegal activity, here claimed impersonation and attempt to defraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that 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 <weedmapss.com> be transferred to Complainant.

*/Frederick M. Abbott/*  
**Frederick M. Abbott**  
Presiding Panelist

*/Roderick Thompson/*  
**Roderick Thompson**  
Panelist

*/Lynda M. Braun/*  
**Lynda M. Braun**  
Panelist  
Date: October 22, 2024