

ADMINISTRATIVE PANEL DECISION

Amanda Gosein-Cameron p/k/a Amanda Ghost v. Name Redacted
Case No. D2024-3772

1. The Parties

Complainant is Amanda Gosein-Cameron p/k/a Amanda Ghost, United States of America (“United States”), represented by Pryor Cashman, LLP, United States.

Respondent is Name Redacted.¹

2. The Domain Names and Registrars

The disputed domain name <amandaghost.com> is registered with NameCheap, Inc. (the “First Registrar”).

The disputed domain name <amandaghost.net> is registered with CloudFlare, Inc. (the “Second Registrar”).

The disputed domain name <amandaghostsucks.com> is registered with GoDaddy.com, LLC (the “Third Registrar”).

The disputed domain name <realamandaghost.com> is registered with Name SRS AB (the “Fourth Registrar”).

The foregoing shall be referred to collectively as the “Domain Names”.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 16, 2024. On September 17, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Domain Names. On September 17, 2024, the First Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for Privacy) and contact information in the

¹Respondent appears to have used the name of a third party when registering the Domain Names. In light of the potential identity theft, the Panel has redacted Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the Domain Names, which includes the name of Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the circumstances of this case.

Complaint. On September 18, 2024, the Second Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email to Complainant on September 21, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant requested to add two Domain Names to the Complaint on September 26, 2024. On October 1, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Domain Names. On October 1, 2024, the Third Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. On October 10, 2024, the Fourth Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email to Complainant on October 10, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting that Complainant either file separate complaints for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all Domain Names are under common control. Complainant filed an amended Complaint on October 10, 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 October 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 3, 2024. There was a third party email received by the Center on October 24, 2024.

The Center appointed Robert A. Badgley as the sole panelist in this matter on November 12, 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

In an affidavit annexed to the Complaint, Complainant states:

"I am known professionally as Amanda Ghost, and I am a resident of the United Kingdom. I am an internationally renowned and award-winning songwriter, producer, singer, and music executive. As a songwriter rendering services under the professional name and trademark AMANDA GHOST, I have written and co-written songs and created multi-platinum hits for some of the world's most famous recording artists including Beyoncé, Shakira, John Legend, and James Blunt. [...]"

"Additionally, I have provided backing vocals for several of these tracks. I have also written and produced theme songs and musical content for major networks including the BBC, Channel Four, and NBC, including the theme music for NBC drama *Journeyman*, and my original songs have been used in countless TV and film productions. I also collaborated with Florence + The Machine on the worldwide trailer for Baz Luhrmann's *The Great Gatsby*."

"I am a three-time Ivor Novello Award winner, a Golden Globe nominee, and have been nominated for three Grammy Awards. By way of example, I was nominated for a Grammy Award as co-producer of two tracks

on Beyoncé's album, 'I Am... Sasha Fierce', which was nominated as Album of the Year, and a Grammy Award for 'Once In A Lifetime', which I co-wrote with Scott McFarnon, Ian Dench, Jody Street, James Dring, and Beyoncé. The song 'Once In A Lifetime' that I co-produced was the title track from Beyoncé's film, *Cadillac Records*, and was nominated for the Best Original Song – Motion Picture Award at the Golden Globe Awards.”

“As a recording artist, I have also developed substantial common law trademark rights in the AMANDA GHOST mark and professional stage name. This trademark has been cultivated through the release of music under the AMANDA GHOST mark, including my album *Ghost Stories* released in 2000, featuring the lead single 'Idol', 'Time Machine' released in 2003 (featuring famous recording artist Boy George), and the *Singles & Remixes* EP released in 2005. I have further expanded my common law trademark rights in the AMANDA GHOST mark through the streaming of my music on platforms including Spotify and the sale of tangible products bearing the mark, such as CDs and vinyl records featuring my music. These products continue to be available to consumers.”

“I have used the AMANDA GHOST trademark as a distinctive identifier in connection with, inter alia, songwriting and production services and as a recording artist since as least as early as 1997. My services under the AMANDA GHOST mark have also received significant unsolicited media attention including featured articles in *The Hollywood Reporter* (e.g., an article entitled 'Amanda Ghost named new Epic president'), and *BBC* (e.g., an article entitled 'Behind the scenes: Amanda Ghost' and 'Music label puts singer in charge').”

Annexed to Complainant's affidavit are copies of the foregoing articles.

The Domain Name <amandaghost.com> was registered on August 1, 2024. The Domain Name resolves to a website discussing Complainant (by her stage name Amanda Ghost) and, according to Complainant, containing numerous false and defamatory statements about Complainant. The references to Complainant at this website include references to Complainant in her capacity as CEO of Epic Records and to Complainant's company UNIGRAM.

The Domain Name <amandaghost.net> was registered on September 6, 2024. It does not appear to have ever resolved to an actual website.

The Domain Name <realamandaghost.com> was registered on September 17, 2024. As of September 18, 2024, it resolved to the same website as <amandaghost.com>.

The Domain Name <amandaghostsucks.com> was registered on September 20, 2024. As of September 24, 2024, it resolved to the same website as <amandaghost.com>.

Complainant asserts:

“As shown on Respondent's website, it prominently displays the title 'AMANDA GHOST IS A DESTROYER OF WORLDS' and includes numerous false and defamatory statements about me, including, but not limited to, stating, 'She's a con artist, a thief, and a pimp.'”

On August 24, 2024 (at which point only the Domain Name <amandaghost.com> had been registered, Complainant's counsel sent Respondent a cease-and-desist letter, asserting Complainant's common law trademark rights and demanding that Respondent delete the defamatory comments from the website and transfer the Domain Name to Complainant. According to Complainant's affidavit:

“[A]fter receiving the cease-and-desist letter, Respondent updated the website on September 5, 2024 (as shown by the text 'UPDATE 09/05/2024' at the top of the website), acknowledged receipt of the cease-and-desist letter, falsely claimed the website is 'legitimate free speech criticism.'”

Respondent has not disputed any of the foregoing allegations or evidence.

By email to the Center dated October 24, 2024, counsel for the individual listed as the registrant in the Whois database stated:

“However, neither [‘XYZ Company’] nor [‘RS’] registered these domains, nor are they in privity with the party that registered the domains or operates any website on the domains. The true registrant is unknown to XYZ Company and RS.”

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Names.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

6.1. Consolidation – Multiple Respondents

The Amended Complaint was filed in relation to nominally different domain name registrants. Complainant alleges that the registrants are the same entity or mere alter egos of each other, or under common control. Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

According to Complainant:

“It would be equitable and procedurally efficient to permit Complainant to file a single consolidated complaint against the Respondents. To begin, in a demonstrably clear instance of the Respondent’s common control over the Disputed Domain Names, the Registrars disclosed to WIPO that the registrant’s name for all of the Disputed Domain names is [RS]. In fact, [...] the registrant information was identical for all three of those Disputed Domain Names (including the name, mailing address, phone number, and email address). [...] [F]or all of the Disputed Domain Names, the registrant used the name [‘NE’] + a ‘proton.me’ email address to create the email address.”

Complainant notes further that three of the four Domain Names resolved to the same website and asserts that there is an identical naming pattern for all Domain Names, given that they all include the AMANDA GHOST mark.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.2.

The Panel accepts Complainant’s arguments and evidence as supporting a finding that, on a balance of probabilities, all four Domain Names at issue here were registered by the same person or entity, and in any event are under common control. The identical or similar registrant emails, the use of the same website for three of the Domain Names, the use of the AMANDA GHOST mark, the temporal proximity of the four

Domain Name registrations (August 1, 2024 to September 20, 2024), and the fact that three of the four Domain names were registered after the cease-and-desist letter was sent, lead the Panel to conclude that the Domain Names were, at a minimum, 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.

6.2. Merits

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to each of the Domain Names:

- (i) the 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 Domain Name; and
- (iii) the 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 largely as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between a 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 Panel finds that Complainant holds rights in the unregistered trademark AMANDA GHOST through use demonstrated in the record, including the unsolicited media coverage of Complainant. The Panel also finds that the first two Domain Names are identical to the AMANDA GHOST mark, and that the last two Domain Names are confusingly similar to that mark. Despite the additional words “real” and “sucks”, the mark AMANDA GHOST remains clearly recognizable within those Domain Names.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

For each of the domain Names, pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of three of the four the Domain Names, specifically, the Domain Names other than <amandaghastsucks.com> (which will be discussed separately below).

Respondent has not come forward to dispute Complainant's allegations or articulate some bona fide basis for registering these Domain Names. While the Domain Names <amandaghost.com> and <realamandaghost.com> resolve to a website where Respondent purports to offer criticism of Complainant, these Domain Names misleadingly suggest an affiliation with, or approval of, Complainant. The Domain Name <amandaghost.net> has not resolved to a website, but that Domain Name, too, suggests an affiliation with Complainant.

In *Mr. Willem Vedovi, Galerie Vedovi S.A. v. Domains By Proxy, LLC / Jane Kelly*, WIPO Case No. [D2014-0780](#), the panel addressed a situation similar to that presented in the instant case. In that case, all three disputed domain names resolved to a website criticizing the complainant. The *Vedovi* panel transferred two of the three disputed domain names, but denied the complaint with respect to the third domain name, because that domain name, <thetruthaboutwillemvedovi.com>, signaled that it was related to a criticism site. The *Vedovi* panel wrote:

"The Panel finds that the Disputed Domain Names <vedovi-gallery.com> and <willemvedovi.com> may mislead Internet users into believing that they are associated with the Complainants and/or will resolve to the official website of the Complainants. This is because these Disputed Domain Names are confusingly similar to the Complainants' GALERIE VEDOVI mark and they do not include any additional word or term that may identify themselves as resolving to a criticism website. As a result, the Panel finds that the Respondent is using the Disputed Domain Names <vedovi-gallery.com> and <willemvedovi.com> to falsely convey an association with the Complainants in order to divert Internet users to the Websites. By the time Internet users reach the Websites, they have already been exposed to the misrepresentation inherent in the Disputed Domain Names."

"As to <thetruthaboutwillemvedovi.com>, the Panel finds that the Respondent has a legitimate interest in using the trademark as part of the Disputed Domain Name for criticism as such use appears to be fair and non-commercial."

The Panel here adopts the reasoning of the *Vedovi* case. As such, the Panel concludes that Respondent has no rights or legitimate interests in respect of <amandaghost.com>, <amandaghost.net>, and <realamandaghost.com>, but Respondent has a legitimate interest in respect of <amandaghostsucks.com>.

The Panel will not address the Domain Name <amandaghostsucks.com> in the "Bad Faith" section below, since it is not necessary to do so.

C. Registered and Used in Bad Faith

For each of the Domain Names, paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

With respect to the Domain Names <amandaghost.com>, <amandaghost.net>, and <realamandaghost.com>, the Panel concludes that Respondent (defined for purposes of this decision as the actual person who registered the Domain Names, as the nominal Respondent has disavowed any relationship with the Domain Names or the associated websites) has registered and used the Domain Names in bad faith. The Panel incorporates here its discussion above in the “Rights or Legitimate Interests” section.

The Panel finds, on this undisputed record and on a balance of probabilities, that Respondent had Complainant and her common law trademark AMANDA GHOST in mind when registering the Domain Names. This is clear from the content of Respondent’s website, which features harsh, and allegedly defamatory, comments about Complainant.

The Panel finds that Respondent’s registration of the three Domain Names containing Complainant’s mark constitutes a pattern of preclusive registration within the meaning of the above-quoted Policy paragraph 4(b)(ii), and hence constitutes bad faith registration and use of the Domain Name.

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 Domain Names <amandaghost.com>, <amandaghost.net>, and <realamandaghost.com> be transferred to Complainant.

With respect to the Domain Name <amandaghostsucks.com>, the Complaint is denied.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: December 7, 2024