

## **ADMINISTRATIVE PANEL DECISION**

Ghost Management Group, LLC v. JOHN HALFORD, Weedmapso  
Case No. D2024-3860

### **1. The Parties**

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

Respondent is JOHN HALFORD, Weedmapso, United States.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 20, 2024. On September 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email to Complainant on September 25, 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 October 1, 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 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2024. Respondent sent an email to the Center on September 25, 2024, and again on October 1, 2024. Accordingly, the Center notified the Parties of the commencement of panel appointment process on October 24, 2024.

The Center appointed Robert A. Badgley, Kimberley Chen Nobles, and Scott R. Austin as the panelists in this matter on November 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**

According to the Complaint:

“Complainant is the owner of the well-known trademark WEEDMAPS, which is protected by numerous U.S. federal trademark registrations, U.S. state trademark registrations, as well as trademark registrations in numerous other countries. Complainant owns and operates its business through the website weedmaps.com.”

At its <weedmaps.com> domain, Complainant describes itself as, “A community connecting cannabis consumers, patients, retailers, doctors, and brands since 2008.”

Among other registrations, Complainant owns the following United States Patent and Trademark Office (“USPTO”) registrations for the mark WEEDMAPS:

USPTO Reg. No. 4321512, registered on April 16, 2013, in connection with, “Promoting the goods and services of others by providing a website featuring, coupons, rebates, price comparison information, product reviews, links to the websites of others, and discount information; On-line cataloging of the goods of others; electronic catalog services featuring herbal products; online services, namely, inventory monitoring and management for herbal products” and “Providing on-line forums for transmission of messages among computer users concerning herbal products.”

USPTO Reg. No. 5044201, registered on September 20, 2016, in connection with “Downloadable software featuring information in the field of medical cannabis and herbal products.”

Complainant also owns trademark registrations for WEEDMAPS in Australia, Canada, and the European Union.

The Domain Name was registered on August 10, 2024. As of September 17, 2024, the Domain Name resolved to a website bearing the banner, “Welcome to Weedmaps Menu Weed Delivery.” The site invites users to “Browse Our Best Product Categories.”

Respondent’s web page tab logo, or favicon, is identical to Complainant’s favicon at the latter’s website.

According to Complainant:

“Respondent registered and has used the domain name weedmapsmenu.com in order to defraud Complainant and its customers by deceiving Complainant’s customers into believing that the website is affiliated with Complainant.”

On September 25, 2024, Respondent John Halford sent the following email to the Center:

“Hello I am contacting you concerning the domain Dispute concerning weedmapsmenu.com. Well I know this is a policy violation under the UDRP. Am just a freelancer hosting domains on my freelancer namecheap account for many clients. the owner who bought this domain weedmapsmenu.com on my freelancer namecheap account I have tried to reach him but she is not responding so will to avoid any further violations will like the domain be transferred or canceled. Please get back to me so that we can move forward and we are sorry for the inconvenience cost.”

On October 1, 2024, Respondent John Halford sent the following email to the Center:

“Hello am responding concerning the domain dispute for weedmapsmenu.com. I will like that the domain name in concern is being transferred to the complainants. I don't have any interest using the domain name again thank you.”

## **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 Name.

### **B. Respondent**

As the two above-quoted emails suggest, Respondent appears to have registered the Domain Name on behalf of the actual party making use of the website to which the Domain Name resolves. It appears further that Respondent does not dispute the allegations made in the Complaint, and that Respondent recognizes that the use to which the third party has put the Domain Name is violative of the UDRP.

## **6. Discussion and Findings**

As a preliminary matter, because the nominal Respondent here seems to be essentially a pass-through for the unnamed principal here, the Panel will evaluate this case based on the conduct and motives of the third party principal, and will refer to that party henceforth as “Respondent.” Whether there is a third party principal or not, the Respondent, as registrant, is for present purposes ultimately a responsible party, and irrespective of whoever is ultimately in control, the Panel's findings remain the same.

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

- (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 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 Panel finds that Complainant has rights in the mark WEEDMAPS through registration and use demonstrated in the record. The Panel also finds that the Domain Name is confusingly similar to the WEEDMAPS mark. Notwithstanding the additional word “menu”, the WEEDMAPS mark is clearly recognizable within the Domain Name.

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

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

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 connection with the Domain Name. On the undisputed record here, Respondent is using the Domain Name to host a website (apparently for a third party) offering cannabis and related products which are similar to those offered by Complainant. Respondent's website also makes liberal use of Complainant's registered WEEDMAPS trademark, and even uses the same favicon as Complainant. It appears clear from the foregoing that Respondent (or its purported client) was aware of Complainant's registered trademark and intentionally sought to develop a website to impersonate Complainant and create the false impression that Respondent's site is affiliated with Complainant. Such an unauthorized use of the Domain Name is manifestly illegitimate.

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

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

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.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. On this undisputed record, the Panel finds that Respondent (or its purported client) targeted Complainant's WEEDMAPS mark when registering the Domain Name, and has used the Domain Name for illegitimate commercial gain by seeking to divert Internet traffic to Respondent's (client's) own site. This constitutes bad faith registration and use within the meaning of the above-quoted Policy paragraph 4(b)(iv).

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

## 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 Name <weedmapsmenu.com> be transferred to Complainant.

*/Robert A. Badgley/*

**Robert A. Badgley**

Presiding Panelist

*/Kimberley Chen Nobles/*

**Kimberley Chen Nobles**

Panelist

*/Scott R. Austin/*

**Scott R. Austin**

Panelist

Date: December 5, 2024