

PANEL DECISION

Clear Channel Outdoor Holdings, Inc., Clear Channel IP, LLC v.
adugbo gbedu, gbedulu
Case No. DEU2024-0030

1. The Parties

The Complainants are Clear Channel Outdoor Holdings, Inc., United States of America (“United States”), and Clear Channel IP, LLC, United States, represented by Schwegman Lundberg & Woessner, P.A., United States.

The Respondent is adugbo gbedu, gbedulu, France.

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <clearchannels.eu> is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the disputed domain name is NameSilo, LLC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2024. On September 27, 2024, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On September 30, 2024, the Registry 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 30, 2024, providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on October 7, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the “ADR Rules”) and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the “Supplemental Rules”).

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 8, 2024. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was October 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 29, 2024.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on October 31, 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 ADR Rules, Paragraph B(5).

4. Factual Background

The first Complainant in this administrative proceeding is Clear Channel Outdoor Holdings, Inc., a Delaware-registered corporation in the United States. The first Complainant is the parent company of the second Complainant, Clear Channel IP, LLC, a Delaware-registered limited liability company in the United States. The second Complainant is the owner of the intellectual property rights of the parent company, which include, but are not limited to, trademarks and domain names. The first Complainant is the exclusive licensee of the intellectual property rights held by the second Complainant. Herein, the first Complainant and the second Complainant are collectively referred to as the "Complainants". The first Complainant is one of the world's largest outdoor advertising companies with over 450,000 displays located in 31 countries across Asia, Europe, Latin America, and North America. The second Complainant, Clear Channel IP, LLC and/or its predecessor(s) in interest, is the owner of numerous trademark registrations worldwide for trademarks containing or consisting of the wording "Clear Channel", in association with its out-of-home advertising services, including rental of advertising space and preparing and placing of advertisements for others.

The Complainants have provided evidence that they are the registered owner of numerous trademarks relating to their CLEAR CHANNEL company name and brand, including the following:

European Union trademark CLEAR CHANNEL (word), registration No. 000911842, registered on December 21, 1999;

United States trademark CLEAR CHANNEL (word), registration No. 2882210, registered on September 7, 2004;

United Kingdom trademark CLEAR CHANNEL (word), registration No. UK00902534980, registered on July 8, 2004.

The Complainants also own or control numerous domain names containing the CLEAR CHANNEL trademark, including the domain names <clearchannel.com>, <clearchannel.fr> and <clearchannel.eu> (registered on April 16, 2006).

The disputed domain name was registered on July 25, 2024, and has been used to send fraudulent emails impersonating an employee of the Complainants' subsidiary.

5. Parties' Contentions

A. Complainant

The Complainants claim that the disputed domain name is nearly identical and thus confusingly similar to the Complainants' registered trademarks; that the Respondent has no rights or legitimate interests with respect to the disputed domain name; and that the Respondent registered and is using the disputed domain name in bad faith. The Complainants have further asserted and documented that the Respondent has used the disputed domain name to perpetrate a phishing scheme, and that this is evidence that the Respondent lacks any rights or legitimate interests in the disputed domain name and that it registered and used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed in their Complaint, the Complainants must show that the requirements of paragraph B(11)(d)(1) of the ADR Rules have been complied with. That paragraph reads as follows: “[I]n an ADR Proceeding where the Respondent is the holder of a .eu domain name registration in respect of which the Complaint was initiated, that:

- (i) The domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and; either
- (ii) The domain name has been registered by the Respondent without rights or legitimate interest in the name; or
- (iii) The domain name has been registered or is being used in bad faith.”

In addition, paragraph B10(a) of the ADR Rules provides that: “If a Party fails to comply with any of the time periods established by these ADR Rules or the Panel, the Panel shall proceed to a decision on the Complaint and may consider this failure to comply as grounds to accept the claims of the other Party.”

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

The Complainants have established rights in the CLEAR CHANNEL trademarks registered in the European Union.

The disputed domain name consists of the Complainants' trademark, i.e., CLEAR CHANNEL with the sole addition of the letter “s” and the “.eu” Top-Level Domain.

The Complainants' trademark is clearly recognizable within the disputed domain name. Pursuant to section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) which states: “in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.” In addition, the .eu Top-Level Domain is disregarded under the first element confusing similarity test. See section 1.11 of the [WIPO Overview 3.0](#).¹

Therefore, the Panel finds the disputed domain name to be confusingly similar to the Complainants' trademark.

The Complainants have, therefore, satisfied the requirements of the first element of paragraph B(11)(d)(1) of the ADR Rules.

B. Rights or Legitimate Interests

This Panel finds that the Complainants have made a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent does not appear to be commonly known by the name “clear channel” or by any similar name. The Respondent has no connection to or affiliation with the Complainants, and the Complainants have not licensed or otherwise authorized the

¹ Given the similarities between the ADR Rules and the Uniform Domain Name Dispute Resolution Policy (the “UDRP”), the Panel will refer to the [WIPO Overview 3.0](#) if relevant to this proceeding.

Respondent to use or register any domain name incorporating the Complainants' trademarks. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods or services. The Panel also notes that the disputed domain name is not only confusingly similar to the Complainant's CLEAR CHANNEL trademark but also to the Complainant's numerous domain names, corresponding and/or including the "clear channel" element, such as <clearchannel.com>, <clearchannel.fr> and <clearchannel.eu> just to name three. Finally, panels have held that the use of a domain name for illegal activity, here claimed to be used to perpetrate a phishing scheme for the purposes of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

As no response was filed and the Complainant's prima facie case has not been rebutted, the Panel therefore accepts that the Respondent does not have rights or legitimate interests to the disputed domain name.

In the absence of any submission on the issue from the Respondent, the Complainant has satisfied the second element of paragraph B(11)(d)(1) of the ADR Rules.

C. Registered or Used in Bad Faith

The Complainant has sufficiently met the criteria for the second condition under the paragraph B(11)(d)(1) of the ADR Rules, and it is therefore unnecessary for the Complainant to also satisfy the third condition.

Furthermore, it is not necessary for the Panel to examine the Complainant's assertions of the Respondent's bad faith registration or use of the disputed domain name.

This Panel notes however that the Complainant has provided sufficient arguments to also indicate the Respondent's bad faith in registering and using the disputed domain name.

The disputed domain name has been used to perpetrate fraud through emails sent to the Complainants' clients from an email address confusingly similar to many email addresses used by the Complainants, and trying to obtain payment of the Complainants' invoices on fake Complainants' bank accounts by impersonating the Complainants' employees.

Panels have held that the use of a domain name for illegal activity, here claimed to be used for impersonating an employee of the Complainant for the purposes of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Finally, the Respondent has not responded to (nor denied) the assertions made by the Complainant in this proceeding.

Therefore, the Panel finds that the disputed domain name has been registered and is being used in bad faith, and that consequently, the third condition of paragraph B(11)(d)(1) of the ADR Rules is fulfilled.

7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain name <clearchannels.eu> be revoked.²

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: November 6, 2024

² The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.