

ADMINISTRATIVE PANEL DECISION

Mav Media, LLC v. Suren Akopian
Case No. D2024-0740

1. The Parties

The Complainant is Mav Media, LLC, United States of America ("United States"), represented by Silverstein Legal, United States.

The Respondent is Suren Akopian, Armenia.

2. The Domain Name and Registrar

The disputed domain name <camdude.com> is registered with Nettuner Corp. DBA Webmasters.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 18, 2024. On February 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 29, 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 (Private Registration, Account Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 1, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on the same date.

The Center verified that the Complaint together with the amendment to the 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 Respondent of the Complaint, and the proceedings commenced on March 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 27, 2024.

The Center appointed Jeremy Speres as the sole panelist in this matter on April 5, 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 has, since 2015, operated a male oriented adult video chat website from the domain name <camdudes.com> under its CAMDUDES trade mark. The Complainant's domain name was registered on July 6, 2002 by the Complainant's predecessor in title. The Complainant owns United States Trade Mark Registration No. 5186618 CAMDUDES in classes 38 and 42, with a registration date of April 18, 2017, and a claimed first use in commerce date of October 1, 2015, assigned to the Complainant in October 2020.

The disputed domain name was registered on September 12, 2004, and currently resolves to a website containing reviews of adult video chat sites.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, the Complainant contends that the disputed domain name was acquired by the Respondent (after the change in the ownership of the registration of the disputed domain name has occurred), and used in bad faith as a typosquatting variant of the Complainant's mark in order to divert Internet traffic from the Complainant's website to a website offering reviews of competing video chat services in direct competition with the Complainant, for the Respondent's commercial gain.

B. Respondent

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

6. Discussion and Findings

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 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 Panel finds the mark is recognizable 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. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by UDRP panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9. Here, the omission of the "s" from the Complainant's mark is an obvious misspelling of the mark, and the Complainant's mark remains recognizable within the disputed domain name despite it.

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 name. The Complainant’s mark was registered and extensively used prior to the Respondent acquiring and using the disputed domain name, which is nearly identical to the Complainant’s mark, for effectively competing services without the Complainant’s authorization. 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 name such as those enumerated in the Policy or otherwise.

The Respondent uses the disputed domain name for a review site focusing on adult video chat (or “cam”) websites. Thus, paragraph 4(c)(i) of the Policy is potentially relevant. However, for the reasons addressed below in relation to bad faith, it is likely that the Respondent’s intention was to capitalize on the repute of the Complainant’s mark for its own commercial benefit, which cannot give rise to rights or legitimate interests.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The disputed domain name was registered in 2004, before the Complainant registered and began using its mark – but after its predecessor in interest registered the corresponding domain name. However, it is well established that the date on which the current registrant acquired the domain name is the date a panel will consider in assessing bad faith. [WIPO Overview 3.0](#), section 3.9. Historical Whois records indicate that registrants named “A M Strong” and “Strong Inc” were recorded in the Whois for the disputed domain name at various points after the Complainant commenced trading under the CAMDUDES mark in 2015, and before the Complainant’s trade mark was registered in 2017. Thus, it’s clear that the Respondent – not being either of these two named parties – acquired the disputed domain name after the Complainant commenced trading and likely after the Complainant’s trade mark rights accrued to it. This is confirmed in part by a letter sent to the Complainant by an attorney acting for these two named parties in response to cease and desist correspondence sent by the Complainant’s attorney. The letter, sent in 2023, states that A M Strong and Strong Inc disposed of the disputed domain name years prior.

Changes in the historical usage of the disputed domain name, as evidenced by screenshots from the Internet Archive, also generally correspond with the changes reflected in the historical Whois records. In 2020, major changes were made to the Whois record, including changes to the registrar, nameservers, and registrant details (privacy protected). The Internet Archive screenshots indicate that the disputed domain name began resolving to its current website sometime between February and September 2020. The Panel independently viewed the Respondent’s website and found a blog post dated September 9, 2020, entitled “CamDude.com is now Live”, suggesting that the Respondent’s website had recently gone live as of that date.

All of this indicates that the Respondent first began using the disputed domain name for its current website circa September 2020, and that the Respondent probably acquired the disputed domain name in 2020.

By this time, the evidence indicates that the Complainant's mark had almost five years of exposure in trade, and its trade mark had been registered for almost three years – not to mention its corresponding domain name having been then registered for almost 20 years by then. The evidence as well as the Panel's independent Internet searches indicate that the Complainant's mark did, as of 2020, enjoy some recognition within its industry.

The Respondent's website reviews and links to direct competitors of the Complainant, showing a familiarity of the Respondent with the Complainant and its industry. In the circumstances, it is unlikely that the Respondent was not aware of the Complainant's CAMDUDES offering when the Respondent acquired and began using the disputed domain name, which is nearly identical to the Complainant's mark, in a way that is directly competitive with the Complainant.

The Panel has independently established that the Respondent has lost six prior cases under the UDRP as respondent, e.g., *Beronata Services Ltd v. Private Registration, Account Privacy / Suren Akopian*, WIPO Case No. [D2017-1796](#). All six cases involved the Respondent having registered domain names that were confusingly similar to popular video chat and adult themed websites, as in this case. The Respondent is a serial cybersquatter and this case appears to be a continuation of that pattern.

The Panel draws an adverse inference from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for. [WIPO Overview 3.0](#) at section 4.3.

On balance, it is likely that the Respondent registered the disputed domain name in order to capitalise on the Complainant's reputation by redirecting Internet traffic to the Respondent's own site through typosquatting confusion with the Complainant's site, falling squarely within paragraph 4(b)(iv) of the Policy.

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 name <camdude.com> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: April 19, 2024