

ADMINISTRATIVE PANEL DECISION

The International Olympic Committee v. Lucas Wolfs
Case No. D2023-3082

1. The Parties

The Complainant is The International Olympic Committee, Switzerland, represented by Bird & Bird (Belgium) LLP, Belgium.

The Respondent is Lucas Wolfs, Netherlands.

2. The Domain Name and Registrar

The disputed domain name <olympicshasfallen.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 18, 2023. On July 19, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 19, 2023, 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 (REDACTED FOR PRIVACY, PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 20, 2023, 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 amended Complaint on July 20, 2023.

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 the Respondent of the Complaint, and the proceedings commenced on August 17, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 6, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 8, 2023.

The Center appointed Evan D. Brown as the sole panelist in this matter on September 18, 2023. 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 is an international, non-governmental organization, which supervises the organization of, and conducts, the Olympic Games. It owns the mark for which it enjoys the benefits of registration (e.g., International trademark Reg. No. 609691, OLYMPIC, registered on October 1, 1993).

The disputed domain name was registered on June 4, 2023. The Complainant asserts that the disputed domain name previously redirected to a website that purported to be from (but was not) the Netflix platform and displayed a video containing infringing and fake content; currently it does not resolve.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's OLYMPIC trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

The Complainant asserts that the disputed domain name previously resolved to a website passing itself off as a Netflix documentary. The website contained what was described as "[a]n exclusive documentary series" titled "Olympics Has Fallen", such series purporting to be produced by several existing people. However, the credits at the end of each video apparently copied the credit list of the documentary "The American Meme", the real producers of the videos on the disputed domain name seemingly seeking to remain anonymous. The Complainant asserts that the videos found at this website incorporated without authorization footage in which the Complainant has contractual and intellectual property rights. The Complainant asserts that the Respondent's conduct also appears to infringe upon Netflix's trademarks (trading allegedly also on a "fallen" series), as the Respondent attempted to pass off the website at the disputed domain name as an authentic Netflix website. The Complainants also submitted evidence purporting to show that videos uploaded to the website contain AI-generated voice-over and several deepfake "confessional" scenes impersonating famous actor Tom Cruise, presumably without authorization.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) the 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. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the OLYMPIC mark by providing evidence of its trademark registrations.

The disputed domain name incorporates the OLYMPIC mark in its entirety. Though the disputed domain name contains other terms (namely, pluralizing the word “olympic” and adding the words “has fallen”) the Panel finds that this does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s OLYMPIC mark. See [WIPO Overview 3.0](#), section 1.8. The OLYMPIC mark remains recognizable for a showing of confusing similarity under the Policy.

Accordingly, the Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) the Respondent is neither affiliated with the Complainant in any way nor has the Complainant licensed, authorized, or permitted the Respondent to use and register, or to seek registration of any domain name or trademark incorporating any of the Complainant’s marks, (2) the Respondent is not commonly known by the disputed domain name, and (3) the disputed domain name is not currently being used – it has in fact been taken down, and there are no indications of preparations for this disputed domain name, or a name corresponding to it, to be used in connection with a *bona fide* offering of goods and services.

The Panel finds that the Complainant has made the required *prima facie* showing. The Respondent has not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondent’s favor.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

Because the Complainant’s OLYMPIC mark is well known, and is registered in jurisdictions around the world, and based on the screenshots provided, the Panel finds that the Respondent was aware of the mark when it registered the disputed domain name. In the circumstances of this case, without the benefit of any explanation whatsoever from the Respondent as to a possible good faith use of the disputed domain name, critical or otherwise, the Panel is left to draw inferences based on the facts before it as to the registration and use of the disputed domain name. While on one level the composition of the disputed domain name could be seen as signaling a critical intent, there are other factors which cause the Panel to doubt that is in fact the Respondent’s intention. For example, each of the following, but especially in the cumulative, lead the Panel to question any claimed legitimate critical intent and instead to infer a bad faith intent: the copying of names

of persons who worked on another unrelated film wholesale, the creation of a false appearance of an association with Netflix (*i.e.*, passing off), and the apparent use of fake voiceovers and deepfakes; moreover the site has been taken down.

In sum, the Respondent's use of the disputed domain name to set up a website that attempted to pass off as Netflix, distributing video content with infringing and deepfake material, smacks of bad faith.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <olympicshasfallen.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: October 5, 2023