

## **ADMINISTRATIVE PANEL DECISION**

MAVEN v. Moein Rahmdel  
Case No. DIR2023-0007

### **1. The Parties**

The Complainant is MAVEN, France, represented by Deshoulières, France.

The Respondent is Moein Rahmdel, Iran (Islamic Republic of).

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

The disputed domain name <mixwiththemasters.ir> is registered with IRNIC.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 27, 2023. On July 28, 2023, the Center transmitted by email to IRNIC a request for registrar verification in connection with the disputed domain name. On July 30, 2023, IRNIC transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .ir Domain Name Dispute Resolution Policy (the “Policy” or “irDRP”), the Rules for .ir Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .ir Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 1, 2023. In accordance with the Rules, paragraph 5(a), the due date for Response was September 21, 2023. On September 22, 2023, the Center notified the Respondent’s default.

The Center appointed Alistair Payne as the sole panelist in this matter on September 27, 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

Since the early 2010s, the Complainant has provided one-week long training courses in music production including videos, webinars, and seminars. These services are provided through a program entitled “Mix with the Masters” which is promoted and sold through the Complainant’s website at the domain name <mixwiththemasters.com> which was registered on April 15, 2010. The Complainant owns various combined logo and word mark registrations that incorporate its MIX WITH THE MASTERS trade mark including, in particular, European Union Trade Mark 012966586 registered on February 12, 2015.

The disputed domain name was registered on October 9, 2017. The disputed domain name resolves to a website offering very similar services to those provided by the Complainant. The website linked to the disputed domain name is similar to a website at <mixwiththemasters.net> in respect of which domain name the Complainant obtained transfer based upon a previous UDRP decision in 2021.

#### 5. Parties’ Contentions

##### A. Complainant

The Complainant submits that it owns registered trade mark rights as set out under section 4 above. It says that the dominant element of this combined logo/word mark is “mix with the masters” and therefore the disputed domain name is confusingly similar to the Complainant’s registered trade mark rights.

The Complainant says that the Respondent’s use of the disputed domain name to resolve to a website at which the Respondent offers similar services to those provided by the Complainant, is intended to trade on the goodwill attaching to the Complainant’s business and to infringe the Complainant’s trade marks. The Complainant notes that the website to which the disputed domain name resolves is very similar to the website to which the domain name <mixwiththemasters.net> resolved in a previous UDRP decision (*Maven v. Main Rhmdl, Aidh Prdazan ikta Sma Shrgh*, WIPO Case No. [D2021-2332](#)) in which the panelist found bad faith use and registration and transferred the domain name to the Complainant. The Complainant submits that it has not since that time authorised the Respondent to use its MIX WITH THE MASTERS trade mark and that the Complainant’s services are well known in the industry.

The Complainant submits that the disputed domain name was registered some years after it first started using its domain name and trade mark in an online context. It says that it has exploited its mark through its official website for almost 13 years and that it has a high ranking on the Google search engine and has a developed reputation attaching to its mark such that the Respondent would have seen its mark upon a simple Internet search for “Mix With The Masters”. The Complainant also notes that the Respondent must have been aware of its trade mark, business and website when it registered the disputed domain name as the website to which it resolves contains various items of similar content. Since the Respondent offers videos and tutorial on the website to which the disputed domain name resolves which have been edited in various ways, including by adding the text “Watch with specialized Persian dubbing” which the Complainant says is indicative that the Respondent has used the Complainant’s videos to sell on its own website with Persian subtitles aimed at a Persian speaking market.

Further, the Complainant says that the fact that the disputed domain name incorporates the Complainant’s trade mark without any other element added but the extension “.ir”, obviously gives Internet users the false impression that the disputed domain name is linked with the Complainant or approved by it when this is not the case. It says that the Respondent’s use of the disputed domain name to resolve to a website from which it offers competing identical services and which features some of the Complainant’s own materials demonstrates under paragraph 4(b)(iv) of the Policy an intentional attempt to attract, for commercial gain, Internet users to its website by creating and maintaining a likelihood of confusion with the Complainant’s trade marks and website.

The Complainant also says that the Respondent chose to register the disputed domain name containing its MIX WITH THE MASTERS mark instead of registering a domain name containing the words "Mix with Pro" even though it used the words "Mix With Pro" throughout its website. According to the Complainant this is further evidence of the Respondent seeking to trade off the goodwill and reputation attaching to the Complainant's mark.

## **B. Respondent**

The Respondent did not file a Response to the Complaint.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Complainant has demonstrated that it owns registered trade mark rights for its MIX WITH THE MASTERS combined logo and word mark, European Union Trade Mark 012966586 registered on June 11, 2014. The MIX WITH THE MASTERS mark is wholly incorporated into the disputed domain name without the addition of any other element before the ".ir" Top-Level Domain. The disputed domain name is therefore confusingly similar to the Complainant's registered trade mark and the Complaint succeeds under this element of the Policy.

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

The Complainant has submitted that the Respondent is using the disputed domain name to resolve to a website at which the Respondent offers similar services to those provided by the Complainant but for a Persian speaking market. Based on the comparison screens provided in evidence between the Respondent's website and the Complainant's website, it appears to the Panel that the Respondent has used many of the same images on its website even though it brands the website "Mix With Pro". The overall impression is that it has sought to use the disputed domain name to divert Internet users to its own website which is quite similar to the Complainant's and from which it offers similar or identical services to a Persian speaking market.

The Panel finds that the Complainant has made out a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has failed to respond to, or to rebut the Complainant's case, or to explain its conduct in using the disputed domain name to divert Internet users to a website that appears to be similar to the Complainant's and which offers similar or identical services to the Complainant. This conduct is not consistent with the Respondent acting in a *bona fide* manner or having rights or legitimate interests in the disputed domain name and for these reasons and for those set out under Part C below, the Panel therefore finds that the Complaint also succeeds under this element of the Policy.

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

The disputed domain name was registered some years after the Complainant first registered and started using its domain name and first started using its MIX WITH THE MASTERS mark in an online context.

In view of the evidence of use online and also considering the obvious similarities in images between the Respondent's and the Complainant's websites, it is more than likely that the Respondent was aware of the Complainant's mark and business when it registered the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

It appears that the Respondent has used the disputed domain name intentionally to confuse and attract Internet users looking for the Complainant's website to its own website which is aimed at Persian speaking users and from which it offers similar or identical services to those offered by the Complainant. The Panel finds that the requirements of paragraph 4(b)(iv) of the Policy are fulfilled and that this amounts to evidence of registration and use of the disputed domain name in bad faith. The Panel's view of the Respondent's bad faith is only reinforced by the similarities between this case and (*Maven v. Main Rhmdl, Aidh Prdazan ihta Sma Shrgh*, WIPO Case No. [D2021-2332](#)) which concerned the domain name <mixwiththemasters.net> and in which it is more likely than not that the current Respondent appears to have been involved.

Accordingly, the Panel finds that the disputed domain name has been registered and used in bad faith and that the Complaint also succeeds under this 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 <mixwiththemasters.ir> be transferred to the Complainant.

*/Alistair Payne/*

**Alistair Payne**

Sole Panelist

Date: October 11, 2023