

## **ADMINISTRATIVE PANEL DECISION**

Clear Channel Outdoor Holdings, Inc., Clear Channel IP, LLC v.  
Peter Wangui  
Case No. D2024-4120

### **1. The Parties**

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

1.2 The Respondent is Peter Wangui, Kenya.

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

2.1 The disputed domain name <clearchanneloutdoor.com> (the “Domain Name”) is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

### **3. Procedural History**

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 7, 2024. At that time publicly available Whois details did not identify the registrant of the Domain Name.

3.2 On October 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 9, 2024, the Registrar transmitted by email to the Center its verification response disclosing the underlying registrant details in respect of the Domain Name.

3.3 The Center sent an email to the Complainants on October 9, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on October 14, 2024.

3.4 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”).

3.5 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 16, 2024. In accordance with the Rules,

paragraph 5, the due date for Response was November 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 6, 2024.

3.6 The Center appointed Matthew S. Harris as the sole panelist in this matter on November 11, 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**

4.1 The First Complainant, Clear Channel Outdoor Holdings, Inc., is a Delaware corporation. It is the parent company of the Second Complainant, Clear Channel IP, LLC, a Delaware limited liability company. 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 is a wholly owned subsidiary of the First Complainant and holds IP licensed to and used by the First Complainant. The Complainants have used the term "clear channel outdoor" in connection with their business since 2001.

4.2 The Second Complainant is the owner of various registered trade marks around the world that comprise or incorporate the terms "clear channel" and "clear channel outdoor". They include:

(i) U.S. registered trade mark No. 2807051 for CLEAR CHANNEL OUTDOOR as a standard character mark filed on July 16, 2001, and registered on January 20, 2004, in respect of services in class 35, but disclaiming the term "Outdoor";

(ii) Canadian registered trade mark No. TMA647002 for CLEAR CHANNEL OUTDOOR as a standard character mark filed on January 16, 2002, and registered on August 31, 2005, in respect of services in class 35, but disclaiming the term "Outdoor" apart from the trade mark; and

(iii) Indonesian registered trade mark No. IDM001194365 for CLEAR CHANNEL OUTDOOR filed on August 21, 2023, and registered on July 22, 2024, in respect of goods and services in classes 6, 9, 19, and 35.

4.3 The Second Complainant is also the owner of numerous domain names that incorporate the terms "clearchanneloutdoor", including <clearchanneloutdoor.com> that it registered on May 23, 2001, and has used for a website to promote the Complainants' business activities.

4.4 The Domain Name was registered on July 20, 2024, and has been used to redirect Internet users to the Complainants' website operating from the <clearchanneloutdoor.com> domain name.

#### **5. Parties' Contentions**

##### **A. Complainants**

5.1 The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Domain Name.

5.2 In this respect the Complainants contend that the Domain Name is a typosquatting variant of their CLEAR CHANNEL OUTDOOR marks and <clearchanneloutdoor.com> domain name, with the letters "O" and "U" in the "out" element being transposed. It is alleged that as a result, the Domain Name and the <clearchanneloutdoor.com> domain name are "nearly identical". Further, they contend that the registration of a typosquatting variant of the Complainants' Domain Name does not provide the Respondent with any right or legitimate interest in the Domain Name and evidences registration and use of the Domain Name in

bad faith. So far as bad faith is concerned, the Complainants rely upon paragraph 4(b)(iv) of the Policy and section 3.1.4 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)).

5.3 Further, the Complainants contend that there has been use of a privacy shield by the Respondent and that this is also indicative of bad faith.

## **B. Respondent**

5.4 The Respondent did not reply to the Complainants’ contentions.

## **6. Discussion and Findings**

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

6.1 It is generally 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 Complainants’ trade mark and the Domain Name. [WIPO Overview 3.0](#), section 1.7.

6.2 The Complainants have shown that they have rights in the registered trade mark CLEAR CHANNEL OUTDOOR. [WIPO Overview 3.0](#), section 1.2.1.

6.3 The Panel also accepts that the Domain Name can only be sensibly understood as the Complainants’ registered trade marks, with spaces (which cannot form part of a domain name) omitted, the letters “O” and “U” transposed, and with this text combined with the “.com” generic Top-Level Domain (“gTLD”). That transposition of the letters “O” and “U” is likely to go unnoticed by many persons that encounter the Domain Name.

6.4 Accordingly, the entirety of the Complainants’ mark is clearly recognisable within Domain Name and the Panel accepts that the Domain Name is confusingly similar to the Complainants’ mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

6.5 The Panel, therefore, finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests and Registered and Used in Bad Faith**

6.6 It is usual for panels under the Policy to consider the issues of rights or legitimate interests, and registration and use in bad faith, in turn. However, in this case it is more convenient to consider those issues together. [WIPO Overview 3.0](#), section 2.15.

6.7 The Panel is persuaded that the Domain Name inherently and falsely represents that it is controlled by or approved of by the Complainants. There is no sensible reading of the Domain Name other than as a misspelling of the words “clear” “channel” and “outdoor” (or perhaps “out” and “door”) and when these words are read together they can only be sensibly understood as involving a reference to the Complainants’ business name and marks.

6.8 The Panel also accepts that it was the deliberate intention of the Respondent that the Domain Name be understood in this way, and that the Domain Name has been registered and held to impersonate the Complainants. Even were this not apparent from the Domain Name itself, this is clear from the fact that the Domain Name has been used to divert Internet users to the Complainants’ own website.

6.9 Why the Respondent has sought to create confusion with the Complainants in this fashion is not clear and the Complainants offer no explanation or speculation as to why this has been done. Nevertheless, regardless of the Respondent’s reasons, there are no rights or legitimate interests in holding a domain name

for redirecting it to the trade mark owner's website (see section 2.5.3 of the [WIPO Overview 3.0](#)), and the fact that a domain name is or has been used for such a purpose is evidence that no such rights or legitimate interests exist. Further, the registration and use of a domain name for such a purpose involves registration and use in bad faith (see sections 3.1.4 and 3.2.1 of the [WIPO Overview 3.0](#)). This is so notwithstanding that the Respondent has redirected Internet users to the Second Complainant's website and there is no evidence before the panel that by reason of the Respondent having commercially gained by reason of the same (see, for example, *Ann Summers Limited v. Domains By Proxy, LLC / Mingchun Chen*, WIPO Case No. [D2018-0625](#)).

6.10 The Panel is less convinced by the Complainants' contentions that there has been use of a privacy shield and that this is another indicator of bad faith. There is nothing before the Panel that suggests that the reason why the Respondent's contact details were not initially publicly available, was anything other than as a consequence of the Registrar's implementation of ICANN's Temporary Specification for gTLD Registration Data and/or ICANN's Registration Data Policy. Nevertheless, this has no impact upon the Panel's determination of the issues of the existence or otherwise of rights or legitimate interests and registration and use in bad faith, set out above.

6.11 In the circumstances, the Panel finds that the second and third elements of the Policy have been established.

## 7. Decision

7.1 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 <clearchanneluotdoor.com> be transferred to the Complainants.

*/Matthew S. Harris/*

**Matthew S. Harris**

Sole Panelist

Date: November 20, 2024