

## **ADMINISTRATIVE PANEL DECISION**

Hearst Communications, Inc. v. wwnsmc mmwwsn  
Case No. D2025-0995

### **1. The Parties**

Complainant is Hearst Communications, Inc., United States of America (“U.S.”), represented by Maureen Walsh Sheehan, United States.

Respondent is wwnsmc mmwwsn, U.S.

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

The disputed domain name <hearsrt.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2025. On March 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 12, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on March 13, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on March 18, 2025.

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 Respondent of the Complaint, and the proceedings commenced on March 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 17, 2025.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on April 30, 2025. 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**

Complainant is one of the world's best known private media and communications companies. Complainant and other members of the Hearst conglomerate of companies own many news and information outlets and services along with a widely diversified portfolio of companies in various sectors.

Complainant's conglomerate owns many registrations worldwide for the HEARST family of marks. Complainant itself owns, for example: U.S. Trademark Registration No. 3736911 for HEARST BOOKS, registered in class 16 on January 12, 2010; and U.S. Trademark Registration No. 6165288 for HEARST HOME KIDS, registered in class 16 on September 29, 2020.<sup>1</sup>

The disputed domain name was registered February 18, 2025 and does not currently resolve to an active webpage. Evidence shows that the disputed domain name was used to send fraudulent emails.

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

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant contends that the disputed domain name is being used for fraudulent and malicious activity. Annexing supporting evidence, Complainant avers that the same day that the disputed domain name was created, an advertising customer of Complainant received emails impersonating a named account executive from WCVB, one of Complainant's television stations. Emails emanated from an address using the disputed domain name; the emails, which also displayed the WCVB's logo and identifying information, stated that an invoice was outstanding and that new bank details would be sent for the customer's payment.

##### **B. Respondent**

Respondent did not reply to 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 a 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.

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.

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<sup>1</sup>Many of the trademarks listed in the Complaint as being owned by Complainant are actually registered and owned by members of the Hearst conglomerate other than Complainant itself. For purposes of these proceedings under the Policy, and in light of Complainant being owner of *some* of the HEARST family of marks listed in the Complaint, the Panel has determined that Complainant has sufficient interests to apply for the requested relief.

The Panel finds that Complainant's marks (and the Hearst conglomerate's family of HEARST marks) are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9 (on misspellings).

The Panel finds that the first element of paragraph 4(a) 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 that Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Panels have held that the use of a domain name for illegitimate activity (here, alleged impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.

[WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that the second element of paragraph 4(a) the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Complaint provides unopposed evidence that the disputed domain name was used for impersonation and misrepresentation in an attempt to cause a customer of Complainant's affiliate television station to send funds to an incorrect bank account (presumably benefitting Respondent).

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that Complainant has established the third element of paragraph 4(a) 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 <hearsrt.com> be transferred to Complainant.

*/Jeffrey D. Steinhardt/*

**Jeffrey D. Steinhardt**

Sole Panelist

Date: May 14, 2025