

ADMINISTRATIVE PANEL DECISION

PB Web Media B.V. v. Khamsing Sengdeth and Minh Thanh Bui
Case No. D2024-4529

1. The Parties

The Complainant is PB Web Media B.V., Netherlands (Kingdom of the), represented by ICTRecht Amsterdam B.V., Netherlands (Kingdom of the).

The Respondents are Khamsing Sengdeth, Lao People's Democratic Republic, and Minh Thanh Bui, Viet Nam.

2. The Domain Names and Registrars

The disputed domain name <gotporn.vip> is registered with NameCheap, Inc. The disputed domain names <porzo.tv> and <tubegalore.tv> are registered with NameSilo, LLC (hereinafter collectively the "Registrars").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 5, 2024. On November 5, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On November 5 and November 6, 2024, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf / Domain Administrator, See PrivacyGuardian.org).

The Center sent an email communication to the Complainant on November 7, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on November 11, 2024.

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 Respondents of the Complaint, and the proceedings commenced on November 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 5, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on December 10, 2024.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on December 21, 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 in this administrative proceeding is PB Web Media B.V., a private limited company, registered in the Dutch trade register of the Chamber of Commerce. The Complainant provides access to adult content "in a dedicated and responsible manner" under various marks including GOTPORN, PORZO, and TUBEGALORE.

The Complainant owns the following trademarks:

- TUBEGALORE: Benelux Trademark No. 964052, registered on December 31, 2014;
- GOTPORN: European Union Trademark No. 014947303, registered on April 12, 2016; and
- PORZO: Benelux Trademark No. 997015, registered for on August 18, 2016.

In addition, the Complainant claims that it operates the following websites:

- "www.gotporn.com"
- "www.tubegalore.com"
- "www.porzo.com".

The disputed domain names were registered on the following dates: <gotporn.vip> on March 17, 2019; <porzo.tv> on May 18, 2020; and <tubegalore.tv> on July 29, 2020.

At the time of filing of the Complaint, the disputed domain names have all been used for websites with a very similar layout displaying the respective Complainant's trademark and containing pornographic content plus various forms of advertising. The disputed domain name <gotporn.vip> currently redirects to a domain name <tube2000.com>; the disputed domain name <porzo.tv> currently redirects to a domain name <pornzo.net> and the disputed domain name <tubegalore.tv> has remained the same.

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 names.

The Respondents have no rights or legitimate interests in respect of the disputed domain names.

The Respondents have registered and are using the disputed domain names in bad faith.

The Complainant requests the consolidation of the disputes based on the reasons provided in its Complaint and amended Complaint.

The Complainant requests the transfer of the disputed domain names.

B. Respondents

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

6. Discussion and Findings

6.1. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes the following common elements:

- The disputed domain names target three different trademarks of the Complainant: GOTPORN, PORZO, and TUBEGALORE.
- The disputed domain names <porzo.tv> and <tubegalore.tv> have the same Top-Level Domain and are registered with the same registrar, Namesilo.
- All disputed domain names offer hosted content using the services of Cloudflare.
- The disputed domain names <gotporn.vip> and <porzo.tv> are both hosted on the same webserver.
- All the disputed domain names offer access to pornographic content and use the same scripts.
- The websites to which the disputed domain names resolved were visually similar in their content and layout and had the same footer and text.
- All disputed domain names did have a stats counter at the bottom of the websites that linked to the same website.
- The website at each of the disputed domain names made use of a removal button linking to the same website .

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2. Substantive Issues

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the marks are recognizable within the disputed domain names. Accordingly, the disputed domain names are identical to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 names. 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 names such as those enumerated in the Policy or otherwise.

In the present case, the Panel understands that the Respondent does not make legitimate noncommercial or fair use of the disputed domain names. On the contrary, with these disputed domain names the Respondent attracts visitors who might think they are dealing with the Complainant to its websites providing competing services. The Respondent intends to misleadingly divert consumers for commercial gain, since he uses different advertisement strategies, such as banner advertisements and links.

The Panel finds the second element of 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 Complainant has been operating the websites and the trademarks since 2014 and 2016;
- the Respondent registered three different domain names containing trademarks of the Complainant; and
- the disputed domain names resolve to content like the one available on the Complainant’s websites.

Therefore, it is evident that the Respondent was aware of the Complainant’s trademarks when registering the disputed domain names.

The Panel concludes that by using the disputed domain names, the Respondent intentionally attempts to attract for commercial gain, Internet users to the Respondent's websites, by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites. Current redirection of two of the disputed domain names to competing websites supports this finding. [WIPO Overview 3.0](#), section 3.1.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under 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 names <gotporn.vip>, <porzo.tv> and <tubegalore.tv> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: January 4, 2025