ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
GMI PTE. LTD. v. Web Admin, Gawker Limited and Web Admin
Case No. D2024-4889

1. The Parties

The Complainant is GMI PTE. LTD., Singapore, represented by Amica Law LLC, Singapore.

The Respondents are Web Admin, Gawker Limited, United Kingdom and Web Admin, United States of America ("United States").

2. The Domain Names and Registrars

The disputed domain name <gawker.ai> is registered with Spaceship, Inc.

The disputed domain name <gawkerai.com> is registered with Sav.com, LLC (the "Registrars").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 25, 2024. On November 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 27 and 28, 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 (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email communication to the Complainant on November 29, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) 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 December 4, 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 December 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2024. On December 12, 2024, a third party sent a communication to the Center. The Response was filed by the Respondent WEB ADMIN, Gawker Limited with the Center on December 23, 2024.

The Center appointed Edoardo Fano as the sole panelist in this matter on January 8, 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.

On January 10, 2025, the Complainant sent a communication to the Center, requesting to submit a supplemental filing to reply to the Response. Pursuant to paragraphs 12 and 10 of the Rules, on January 10, 2025, the Panel granted this request to the Complainant and permitted a period of time for the Respondents to reply to the Complainant's supplemental filing. The due date for the Complainant's supplemental filing was January 15, 2025, and the due date for the Respondents' comment on the Complainant's submission was January 20, 2025. On January 15, 2025, the Complainant submitted the supplemental filing, and on January 20, 2025, the Respondent WEB ADMIN, Gawker Limited submitted its comment on the Complainant's further submissions.

The Panel has not found it necessary to request any further information from the Parties. However, on January 24 the Panel received a supplemental filing from the Complainant stating that the Respondent is claiming that he did "extensive investment" without supporting evidence, and a request from the Respondent WEB ADMIN, Gawker Limited to not accept this supplemental filing. As it would not change the outcome of this decision, the Panel decides to not admit it.

The language of the proceeding is English, being the language of the Registration Agreements, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is GMI PTE. LTD., a Singapore company that acquired in November 2023 the Gawker business, founded in 2002 and quickly evolved, as "www.gawker.com", into one of the most prominent and well-known news and entertainment websites globally. The Complainant owns several trademark registrations for GAWKER, among which the following ones:

- United States Trademark Registration No. 2901710 for GAWKER, registered on November 9, 2004;
- European Union Trademark Registration No. 008957961 for GAWKER, registered on July 20, 2010;
- United Kingdom Trademark Registration No. UK00908957961 for GAWKER, registered on July 20, 2010;
- Canadian Trademark Registration No. TMA785433 for GAWKER, registered on December 20, 2010.

The Complainant also operates on the Internet, owning several domain name registrations for GAWKER and being "www.gawker.com" its official website, while its news archive can be found at the website "www.gawkerarchives.com", operated under license from the Complainant.

The Complainant has provided evidence in support of the above.

The Respondents are WEB ADMIN, Gawker Limited, United Kingdom and WEB ADMIN, United States. The Respondent which filed the Response for both disputed domain names is WEB ADMIN, Gawker Limited, a United Kingdom company incorporated on September 27, 2024, as Gawker Limited, developing the project Gawker.ai as an AI-driven platform focused on software services, content management, and Artificial Intelligence tools, and owning the following trademark application for GAWKER:

- Indian Trademark Application No. 6701270 for GAWKER, filed on November 8, 2024.

The Respondent WEB ADMIN, Gawker Limited will eventually be the owner of the following trademark application for GAWKER, based on a Commitment to Transfer Ownership signed on September 30, 2024, by the current owner, namely the United Kingdom company Jetting.com Ltd. of Mr. Bogdan Shevchuk:

- United Kingdom Trademark Application No. UK00004103593 for GAWKER, filed on September 24, 2024.

The Respondent WEB ADMIN, Gawker Limited has provided evidence in support of the above.

According to the WhoIs records, the disputed domain names were both registered on September 16, 2024, and the disputed domain name <gawker.ai> resolves to a website announcing the opening in 2025 of an AI-based service for generating articles, mentions, and social buzz and distributing them across top media platforms and social networks, while the disputed domain name <gawkerai.com> redirects to the website at the other disputed domain name, namely <gawker.ai>.

On September 24, 2024, the Complainant sent an email using the contact details on the website at the disputed domain name <gawker.ai>, enquiring about the activity field of the relevant website for possible overlapping and likelihood of confusion with the Complainant's business under its trademark GAWKER. Mr. Bogdan Shevchuk of the United Kingdom company Jetting.com Ltd. replied as the owner of the disputed domain name <gawker.ai>, stating that its business includes a wide range of software and AI-related services, specifically focusing on AI software, media software, communication and social networking software, and other technological utilities. The interchange of emails led to Mr. Shevchuk's evaluation of its <gawker.ai> platform for AI-powered content generation of approximately GBP 80,000 and following request to the Complainant to present a formal offer in order to consider an early exit deal and rebrand his project, and it ended with the Complainant's offer to buy the disputed domain name <gawker.ai> for USD 750, to which Mr. Shevchuk did not reply.

On October 10, 2024, the Complainant's legal representatives sent a cease-and-desist letter to the Respondents, to which the Respondent WEB ADMIN, Gawker Limited replied on October 23, 2024, using the email […]@jetting.com, rejecting as unfounded all the Complainant's legal claims and requesting the Complainant to make a realistic offer for acquiring the Gawker.ai project.

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.

Notably, the Complainant states that the disputed domain name <gawker.ai> is identical to its trademark GAWKER, while the disputed domain name <gawkerai.com> is confusingly similar to its trademark GAWKER.

Further to section 6.1 below, the Complainant argues that the disputed domain names are under common control and thus addresses the Respondents in the singular. The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain names since it has not been authorized by the Complainant to register the disputed domain names or to use its trademark within the disputed domain names, it is not commonly known by the disputed domain names and it is not making either a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain names. The disputed domain name <gawkerai.com> is redirecting to the website at the other disputed domain name, namely "www.gawker.ai", in which an AI-based article-generating service is announced to be launched in 2025, being nothing more than a basic chatbot (i.e., a stock deploy of Vercel's chatbot), and for whose

development the Respondent has expended little to no effort and money. The Complainant contends that all Respondent's efforts seem to have been expended in dressing up the appearance of its website, precisely to give the illusion and hide behind the excuse that it is a legitimate business which is still "under development", while there is no evidence of the development of its platform and no legitimate business activity.

The Complainant submits that the Respondent has registered the disputed domain names in bad faith, since the Complainant's trademark GAWKER is distinctive and well known in the media field. Therefore, the Respondent targeted the Complainant's trademark at the time of registration of the disputed domain names and the Complainant contends that the Respondent's (acting as Mr. Shevchuk) initial request to sell to the Complainant the entire Gawker.ai business, including the disputed domain names, for a sum that would be no less than GBP 80,000, together with the fact that the Respondent's use of the disputed domain names damages the Complainant's interests by injurious association, diversion of custom, and tarnishment, qualifies as bad faith registration and use.

B. Respondents

The Respondent which filed the Response for both disputed domain names, namely WEB ADMIN, Gawker Limited (referred to below as "the Respondent", as explained under paragraph 6.1 concerning the Consolidation of Multiple Respondents), disputes the Complainant's exclusive rights on the trademark GAWKER, stating that the widely known Gawker Media brand ceased its original operations in 2016 for bankruptcy, and the Complainant's subsequent acquisition of the GAWKER trademarks does not establish a direct link to the original Gawker Media. Moreover, the Respondent adds that at the time of registering the disputed domain names in September 2024, the Complainant had not relaunched or made any substantive use of its website at the domain name <gawker.com>, showing a lack of genuine interest in preserving or advancing the GAWKER brand.

The Respondent asserts to have rights and legitimate interests in the disputed domain names, since "gawker" is a dictionary word meaning "one who stares" which aligns with the Respondent's AI-focused branding and differs from the Complainant's historical association with media and journalism. Furthermore, the Respondent submits to be the owner of two trademark applications for GAWKER under Class 9, covering software and AI services, filed in United Kingdom and in India. The decision to submit the United Kingdom trademark application for GAWKER under the name of Jetting.com Ltd. in September 2024 was a strategic choice guided by practical considerations and the involvement of early investors and founders, and Jetting.com Ltd. represented the initial conceptual and financial efforts behind the development of the Gawker.ai platform when Gawker Limited was not yet fully operational. The Respondent submits that the Gawker.ai application is a work in progress, with ongoing efforts to expand its features and functionalities significantly beyond its current demo interface, and therefore the current chatbot serves as a prototype, designed to showcase the platform's potential capabilities while development continues on core components, as well as the platform's current use of open-source frameworks, such as Vercel templates, aligns with industry best practices for early-stage development.

Finally, the Respondent states that the disputed domain names are not registered in bad faith, but instead for the common generic meaning of the term "gawker" (i.e. "one who stares"), symbolizing the platform's AI capabilities in analyzing and generating content, while at the time of their registration, the Complainant's activity under the GAWKER trademark as a news resource had already ceased, and in any case the Respondent's project does not overlap with the Complainant's field of activity.

As regards the use of the disputed domain names, to avoid potential confusion the Respondent displayed a disclaimer at the website "www.gawker.ai", stating that it is an independent service and is in no way affiliated with the Complainant, and the disclaimer, combined with the distinctly different logos and the unique purpose and services offered by the Respondent, reinforces the Respondent's efforts to maintain a clear separation from the Complainant.

As far as the interchange of mails between the Complainant and Mr. Bogdan Shevchuk is concerned, the Respondent states that the latter is an early-stage investor in Gawker Limited, whose contributions were

financial in nature, supporting the initial development of the Gawker.ai platform, and any correspondence or opinions expressed by him in a personal capacity do not reflect the official position or actions of Gawker Limited.

The Respondent submits that the Complainant's efforts to purchase the disputed domains for a significantly undervalued amount of USD 750, made without any genuine negotiation or acknowledgment of the Respondent's substantial investment in developing the Gawker.ai platform, further highlight the Complainant's bad faith, while the Respondent's refusal to engage in negotiations underscores its commitment to developing a unique AI-driven platform under the Gawker.ai brand.

Furthermore, the Respondent considers the Complaint to be filed in bad faith on the part of the Complainant, as the Complainant's above-described actions are clear indicators of Reverse Domain Name Hijacking, lacking genuine interest in protecting the GAWKER brand and instead appearing as an attempt to exploit the UDRP process to force the transfer of the disputed domain names.

6. Discussion and Findings

6.1. Procedural issue – Consolidation of 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 Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain names 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 Complainant asserts that inter alia:

- the disputed domain name <gawkerai.com> is redirecting to the website at the other disputed domain name, namely "www.gawker.ai";
- when, on 24 September 2024, the Complainant sent a message on the 'Contact' page of the disputed domain name <gawker.ai> (accessible at "www.gawker.ai/contact") to attempt to contact the Respondents regarding the use of its trademark GAWKER in the disputed domain names, one person, Mr. Shevchuk, responded to the Complainant via email and corresponded with the Complainant on the matter thereafter, including on the sale of the disputed domain name <gawker.ai> to the Complainant. To the best of the Complainant's knowledge, Mr. Shevchuk represents the Respondents and exercises control over both disputed domain names.

Considering the above, together with the fact that both disputed domain names were registered on the same day, and not only in the absence of any objection from the Respondents regarding the Complainant's consolidation request, but especially considering that in the Response both disputed domain names have been included, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party in terms of fairness and equity.

Accordingly, the Panel finds it appropriate 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

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

(i) the disputed domain names are 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 names; and

(iii) the disputed domain names have been registered and are being used in bad faith.

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 names. WIPO Overview 3.0, section 1.7.

Based on the available record, the Panel finds the Complainant has shown valid rights in respect of the trademark GAWKER for the purposes of the Policy, and considers unsupported the Respondent's statement that the Complainant would not enjoy exclusive rights on the trademark GAWKER. WIPO Overview 3.0, section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the disputed domain names. Accordingly, one of the disputed domain names is identical (i.e., <gawker.ai>) and the other one is confusingly similar (i.e., <gawkerai.com>) to the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

While the addition of other terms, here "ai" as far as the disputed domain name <gawkerai.com> is concerned, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name <gawkerai.com> and the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

It is also well accepted that a country code Top-Level-Domain ("ccTLD") or a generic Top-Level Domain ("gTLD"), in this case ".ai", and ".com", are typically ignored when assessing the similarity between a trademark and a domain name. WIPO Overview 3.0, section 1.11.1.

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.

While the overall burden of proof in UDRP proceedings is on the complainant, UDRP panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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 names. 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 present 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 Panel considers that 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, for the following reasons.

The Panel finds that the Respondent's unsupported claims of significant investment and effort into the Gawker.ai business are not demonstrating rights or legitimate interests in the disputed domain names. In fact, paragraph 4(c)(i) of the Policy requires that such demonstrable preparations to use the domain name must be made "in connection with a bona fide offering of goods or services" by the Respondent, and the use of a domain name which includes the mark of another (the Panel is aware of the bankruptcy situation and new mark assignment – but this attempt on the part of the Respondent to find a "hole" in the Policy is unavailing) and is registered in bad faith, specifically to either attract, for commercial gain, Internet users to the relevant website or other on-line location, by creating a likelihood of confusion with the complainant's mark, and for purposes of eventually selling that domain name to the owner to yield a pecuniary benefit to the registrant (both of which scenarios are discussed below in the next section) is not considered a bona fide offering for purposes of paragraph 4(c)(i).

Moreover, the Panel finds that the composition of the disputed domain names carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. WIPO Overview 3.0, section 2.5.1.

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.

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.

In the present case, regarding the registration in bad faith of the disputed domain names, the reputation of the Complainant's trademark GAWKER in the media field is clearly established, and the Respondent acknowledged that it knew of the Complainant and the Panel finds that it deliberately registered the confusingly similar disputed domain names.

The Panel notes that on September 24, 2024, that is just a few days after the registration of both disputed domain names (i.e., September 16, 2024), the Complainant sent an email to the Respondent, using the contact details on the website at the disputed domain name <gawker.ai>, in order to enquire about the activity field of the relevant website: the Panel finds hard to consider as a mere coincidence the fact that on the same day, namely September 24, 2024, the Respondent filed the application for the registration of the trademark GAWKER in United Kingdom, and after three days, namely on September 27, 2024, the Respondent incorporated the company Gawker Limited in United Kingdom. See e.g., in this respect *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. D2000-0847.

In any case, the disputed domain names and the Respondent's company name have been registered many years after the Complainant's distinctive trademark has become famous in the media field. It is undisputed that the Respondent registered the disputed domain names and the company name with knowledge of the Complainant's trademark and in the Panel's view this was plainly to take advantage of its trademark significance and reputation.

The Panel further notes that the disputed domain names are also been used in bad faith, since the Respondent's Gawker.ai business is advertised to be launched in 2025 as an AI platform aimed to "generate articles, news, and mentions, and publish them across media and social platforms in just a few clicks", that is an activity very similar to the Complainant's business in the media field.

Accordingly, the Panel finds that the Respondent registered the disputed domain names in an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, an activity clearly detrimental to the Complainant's business.

Moreover, the Panel notes that not only once but twice the Respondent, first as Mr. Shevchuk when replying to the Complainant's email, and then as Gawker Limited when replying to the cease-and-desist letter of the Complainant's legal representatives, albeit it is denying it in its Response, has tried to obtain a "realistic offer" from the Complainant, with the purpose of eventually selling the disputed domain names to the Complainant for valuable consideration in excess of its documented (or better still not documented) out-of-pocket costs directly related to the disputed domain names; in the Panel's view that throws some light on the Respondent's probable motives for the registration of the disputed domain names, which supports a finding of bad faith under the Policy.

Finally, the Panel considers that the nature of the inherently misleading disputed domain names, which in case of <gawker.ai> is identical to the Complainant's trademark GAWKER, while in case of <gawkerai.com> includes the Complainant's trademark GAWKER in its entirety with the mere addition of the acronym "ai" (standing for "artificial intelligence"), further supports a finding of bad faith. WIPO Overview 3.0, section 3.2.1.

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.

D. Reverse Domain Name Hijacking

The Respondent alleges that the Complainant has acted in bad faith and has engaged in Reverse Domain Name Hijacking by initiating this dispute. As the Panel has found in favor of the Complainant, it dismisses the request for a finding of Reverse Domain Name Hijacking.

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 <gawker.ai> and <gawkerai.com> be transferred to the Complainant. The request for a finding of Reverse Domain Name Hijacking is dismissed.

/Edoardo Fano/
Edoardo Fano
Sole Panelist
Date: January 27, 2025