

ADMINISTRATIVE PANEL DECISION

Death Row Records LLC v. Tandy Little
Case No. D2024-5238

1. The Parties

The Complainant is Death Row Records LLC, United States of America (“United States”), represented by Venable, LLP, United States.

The Respondent is Tandy Little, United States, self-represented.

2. The Domain Names and Registrar

The disputed domain names <deathrowgames.com>, <deathrowsportsbook.com>, <deathrowpodcast.com>, <deathrowcellular.com>, <deathrowpublishing.com>, <deathrowstudios.com>, <deathrowtv.com>, <deathrowfilms.com>, and <deathrowproductions.com> are all registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2024, concerning the disputed domain name <deathrowgames.com>. On December 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 23, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 24, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on December 26, 2024.

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 the Respondent of the Complaint, and the proceedings commenced on December 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 16, 2025. The Response was filed with the Center on January 15, 2025.

On January 17, 2025, the Complainant filed a “Supplement and Amendment to Complaint” noting that the Response referred to eight other domain names registered by the Respondent that were also composed with the terms “death row”, in addition to the originally disputed domain name <deathrowgames.com>: <deathrowsportsbook.com>, <deathrowpodcast.com>, <deathrowcellular.com>, <deathrowpublishing.com>, <deathrowstudios.com>, <deathrowtv.com>, <deathrowfilms.com>, and <deathrowproductions.com>. One of these, <deathrowcelluar.com>, was registered after the Complaint was filed and notified to the Respondent in this proceeding. The Complainant requested the addition of these eight domain names to the current proceeding and submitted a proposed amended Complaint.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on January 22, 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.

The Panel issued Procedural Order No. 1 on February 4, 2025, allowing the Respondent time to object to the proposed amended Complaint, while the Center obtained registrar verifications for these disputed domain names. The Respondent replied with additional comments about the alleged criminal background of persons associated with the Complainant but did not object to the addition of the eight additional disputed domain names. On February 17, 2025, the Panel issued Panel Order No. 2, adding the eight disputed domain names to the current proceeding.

4. Factual Background

The Complainant is a record label (a company that produces and distributes commercial sound recordings) founded in 1991. Organized as a Delaware (United States) limited liability company, the Complainant is headquartered in Los Angeles, California, United States. The Complainant operates websites at “www.deathrowrecords.com”, “www.deathrowofficial.com”, and “www.snoopermarket.com”, with multiple linked social media platforms.

The Complainant is known for popularizing “gangsta rap” and West Coast hip-hop music including multi-platinum albums by such artists as Dr. Dre, Snoop Dogg, 2Pac, and Suge Knight. Following lawsuits, bankruptcy, and corporate acquisitions over the course of three decades, Snoop Dogg (Calvin Broadus, Jr.) acquired the label in 2022. The Complainant’s websites reflect some of the recent efforts to revive the record label, selling recordings and multimedia products, promoting live and televised events, and marketing a wide range of merchandise. In addition to music recordings, these products include apparel (ranging from sweatshirts to baby onesies), sports equipment, videos, NFTs (digital collectibles), and an arcade game. Most of the products featured on the Complainant’s websites are branded with the DEATH ROW RECORDS word mark or a composite mark with those words in stylized letters and a drawing of a man strapped in the electric chair awaiting execution, with a hood over his head.

The Complainant holds, through a succession of assignments, numerous trademark registrations in the United States and other countries for these DEATH ROW RECORDS marks, including the following obtained before the earliest of the disputed domain name registrations:

Mark	Jurisdiction	Registration Number	Registration Date	Goods or Services
DEATH ROW RECORDS (word)	United States	3884831	December 7, 2010	International Class 9
DEATH ROW RECORDS (words and design)	United States	3884857	December 7, 2010	International Class 9

The Complainant refers as well to common law rights in these marks pre-dating the trademark registrations. The Panel finds supporting evidence for this. The Complainant cites millions of record sales during the

1990s. The Panel notes that, according to Whois records, the domain name <deathrowrecords.com> was created in March 1999, and screenshots from the Internet Archive's Wayback Machine show that this domain name has been used for the Complainant's website since April 1999, displaying both the word mark and the composite mark described above.

The Registrar reports that the disputed domain names were all registered to the Respondent, an individual resident of the State of California, United States. According to the Response, the Respondent "owns well over 200 Domain Names as investments and for future business use". It is not apparent from the record whether the Respondent was the original registrant of each of the disputed domain names, but the Registrar reports that they were created on the following dates (listed in chronological order):

<deathrowtv.com> October 14, 2011;

<deathrowstudios.com> October 27, 2018;

<deathrowproductions.com> November 12, 2018;

<deathrowgames.com> April 16, 2022;

<deathrowpodcast.com> November 11, 2023;

<deathrowpublishing.com> November 11, 2023;

<deathrowfilms.com> was created on November 11, 2023;

<deathrowsportsbook.com> January 26, 2024;

<deathrowcellular.com> January 17, 2025.

The disputed domain names each resolve to a landing page hosted by the Registrar advertising the Registrar's services and announcing that the disputed domain name is registered but may be available, providing a link to the Registrar's domain broker services.

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 name.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its DEATH ROW RECORDS marks in "appearance, sound, connotation and commercial impression", incorporating the dominant portion of the marks and then adding "generic terms" such as "games". The Complainant states that the Respondent has no permission to use the Complainant's marks, is not known by a name corresponding to the disputed domain names and has not used the disputed domain names for a bona fide offering of goods or service or otherwise demonstrated rights or legitimate interests in the disputed domain names.

Given the "widespread popularity" of the Complainant's marks since the 1990s, the Complainant infers that the Respondent was likely aware of the marks and nevertheless registered and parked multiple disputed domain names based on the marks. The Complainant argues that this represents "opportunistic bad faith", exploiting the well-known trademark of an unrelated party, citing leading cases such as *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#). The Complainant also cites *Tommy Bahama Group, Inc. v. Russell Pike*, WIPO Case No. [D2020-0502](#): "Even if

use of the Disputed Domain Name to resolve to a parked page were viewed as passive holding or non-use of the Disputed Domain Name, use in bad faith may still be found from a totality of the circumstances.” The Complainant argues further that it may be inferred that the Respondent registered the disputed domain names to disrupt the business of the Complainant and create a likelihood of confusion with its marks.

B. Respondent

The Response states that the Respondent conducted “due diligence” on the United States Patent and Trademark Office (“USPTO”) website before registering the disputed domain name <deathrowgames.com> and found no registration for a corresponding trademark. The Respondent, therefore, felt justified in registering the disputed domain name for investment and/or future business use. The Respondent observes that there is still no trademark registration for “Death Row Games”. The Respondent refers to the Complainant’s current owner, and remarks that he has sufficient funds to purchase the disputed domain names, for which the Respondent is requesting USD 750,000 (“Pennies on dollar”).

In reply to Procedural Order No. 1 inviting a response to the Complainant’s Amended Complaint adding the eight other disputed domain names composed with “death row”, the Respondent commented on past criminal charges against persons associated with the Complainant, but these have no apparent bearing on this UDRP proceeding.

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 the 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.

The Complainant has shown rights in respect of a trademark or service mark, the registered DEATH ROW RECORDS word and composite marks, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant also has established unregistered trademark or service mark rights in the same marks since the 1990s for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.3. This finding is not necessary for the first element of the Complaint but is relevant to the discussion of bad faith below under the third element.

The Panel finds that the word mark and the textual element of the composite mark are recognizable within each of the disputed domain names, as the dominant element “DEATH ROW” is incorporated in its entirety in each of the disputed domain names (the term “RECORDS” is expressly disclaimed for exclusive right to use in both trademark registrations). Accordingly, the disputed domain names are confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, respectively, “games”, “sportsbook”, “podcast”, “cellular”, “publishing”, “studios”, “tv”, “films”, “productions”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 name. The Respondent has provided some information regarding the registration of the disputed domain names but in the Panel’s view has not rebutted the Complainant’s prima facie showing and has not come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. The Respondent claims an interest in investing in domain names for resale or business use, but there is no record of the Respondent using or making demonstrable preparations to use any of the disputed domain names in connection with a “bona fide offering of goods or services” (Policy, paragraph 4(c)(i)), despite holding the disputed domain names for years. [WIPO Overview 3.0](#), section 2.2. In this regard, the Panel also notes that the Respondent has not explained any specific rationale for the registrations of the disputed domain names. Moreover, there is nothing on the record suggesting that the Respondent is commonly known by the disputed domain names, or is making a legitimate noncommercial or fair use of the disputed domain names (which resolve to a landing page hosted by the Registrar).

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’s DEATH ROW RECORDS marks are well known and long established in the United States, where the Respondent resides, and that the Respondent appears to be familiar with the Complainant. This is evidenced by the composition of the disputed domain names, in each case comprised of the dominant textual element of the marks, “DEATH ROW”, plus a dictionary word that Internet users might consider relevant to the Complainant’s multimedia entertainment business or wide range of trademarked merchandise as described above with reference to the Complainant’s websites. The Respondent does not deny prior awareness of the Complainant and refers, in the Response, to the Complainant’s owner, and his presumed wealth, as well as the Respondent’s efforts at due diligence concerning the Complainant’s trademark rights prior to registering the disputed domain name <deathrowgames.com>.

The Respondent may not have understood that the disputed domain names could violate the Policy (or possibly trademark law) without being identical to the Complainant’s registered or common law trademarks, but the Panel finds that the Respondent more likely than not intended to benefit from associating the disputed domain names with the Complainant. There is no evidence on this record that the Respondent has acted as a commercial competitor to the Complainant or has used the disputed domain names to misdirect Internet users to other sites for commercial gain (apart from the advertisement of the Registrar’s services on the default landing pages). Thus, the Respondent’s conduct does not fit squarely with the examples of bad faith given in the Policy, paragraphs 4(b)(iii) or (iv), as suggested by the Complainant.

While 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, 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 found that the non-use of a domain name, in this case a default landing page advertising the Registrar's domain and brokerage services, would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, along with the composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

In addition, while it cannot be known on this record whether the Respondent was the initial registrant of the earliest of the disputed domain names or acquired them later, it is telling that the Respondent has registered a total of nine disputed domain names similarly composed of the dominant element of the Complainant's marks plus a relevant, descriptive term. One of these disputed domain names was registered even after this proceeding commenced. The Respondent then sought to sell the collection of disputed domain names collectively to the Complainant for USD 750,000. It is fair to infer that the Respondent has been aware of the potential trademark value of the disputed domain names from the time the Respondent began acquiring them and seeks to exploit them for their trademark value rather than for their dictionary sense. Accordingly, the circumstances in this case, on the record before the Panel, support a finding of bad faith for Policy purposes.

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 <deathrowgames.com>, <deathrowsportsbook.com>, <deathrowpodcast.com>, <deathrowcellular.com>, <deathrowpublishing.com>, <deathrowstudios.com>, <deathrowtv.com>, <deathrowfilms.com>, and <deathrowproductions.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: February 26, 2025