

ADMINISTRATIVE PANEL DECISION

Teilifís Na Gaeilge v. Stephen C. Sauter, Sujoy IT
Case No. D2024-5352

1. The Parties

Complainant is Teilifís Na Gaeilge, Ireland, represented by FRKelly, Ireland.

Respondent is Stephen C. Sauter, Sujoy IT, Germany.

2. The Domain Name and Registrar

The disputed domain name <tg4.org> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 31, 2024. On January 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 3, 2025, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on January 9, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 10, 2025.

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 Respondent of the Complaint, and the proceedings commenced on January 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2025. Respondent did not submit any formal response but sent informal email communications to the Center on February 2, 2025, February 8, 2025, and February 9, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on February 17, 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 operates under its TG4 mark an Irish language television channel, which has been in operation since 1996. It is a free-to-air channel, available across all viewing platforms. On average, 1.2 million people watch TG4 in Ireland every week. Complainant's channel is available world-wide on the TG4 Player via <tg4.ie> and <tg4.tv> which provides a live stream of the TV output as well as an archive of the channel's recently broadcast Irish language programs. It is also available via the TG4 app. TG4 has premiere exclusive live TV rights for a number of top sporting events such as GAA competitions including the National Leagues, Under 17 and Under 20 and Club Championships in hurling, football and Ladies Gaelic Football, extensive rugby rights including live rights for the URC league and live coverage of the Tour de France. Complainant's website operates at "www.tg4.ie/ga/".

Complainant is the owner of the following trademark registrations: European Union trademark registration No.005083829, TG4, filed on May 18, 2006, and registered on November 8, 2007, for goods and services in international classes 9, 16, 18, 21, 25, 28, 35, 38, and 41, and the United Kingdom trademark registration No. UK00905083829, TG4, filed on May 18, 2006, and registered on November 8, 2007, for goods and services in international classes 9, 16, 18, 21, 25, 28, 35, 38, and 41.

Per the Complaint, Complainant is also the owner of TG4 domain names such as <tg4.ie>, <tg4.com>, and <tg4.tv>.

The Domain Name was registered on February 11, 2023, and at the time of filing of the Complaint it led to a website mimicking that of Complainant, using similar imagery and colour schemes, prominently displaying Complainant's trademark and trademarks of Complainant's partners, while purportedly offering access to GAA sporting fixtures and requesting payments from the public for their service (the Website). When the users clicked on the "WATCH LIVE" link on Website homepage, they were directed to a subscription page and requested to provide personal information and subscription amounts. Complainant has received numerous complaints from customers. Currently the Domain Name leads at times to a Pay-Per-Click ("PPC") website and at times to an inactive website.

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.

B. Respondent

Respondent did not formally reply to Complainant's contentions. On February 2, 2025, an email under the registered Respondent's email address was sent enquiring on whether the Domain Name is renewable, and again on February 8, 2025, discussing the renewal of the Domain Name.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is 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 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.

The entirety of the mark is reproduced within the Domain Name. Accordingly, the Domain Name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The generic Top-Level Domain ("gTLD") ".org" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); and *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)). [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.

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the 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 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, claimed 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 composition of the Domain Name and the Website at the Domain Name which copies Complainant's trademark and offers identical services create a risk of Internet user confusion.

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.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith. Because the TG4 mark had been used and registered at the time of the Domain Name registration by Respondent, the Panel finds it more likely than not that Respondent had Complainant's mark in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)). This also takes into account the content of the Website which mimics that of Complainant.

As regards bad faith use of the Domain Name, Complainant has demonstrated that the Domain Name was used to resolve to the Website, which mimicked that of Complainant, prominently displaying Complainant's registered trademark and offering identical services while soliciting payment information from users, thereby giving the false impression that it is operated by Complainant. The Domain Name was therefore used to intentionally create a likelihood of confusion with Complainant's trademark and business as to the source, sponsorship, affiliation, or endorsement of the website it resolved to. This can be used in support of bad faith registration and use (*Booking.com BV v. Chen Guo Long*, WIPO Case No. [D2017-0311](#); *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Walgreen Co. v. Muhammad Azeem / Wang Zheng*, *Nicenic International Group Co., Limited*, WIPO Case No. [D2016-1607](#); *Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.0](#), section 3.1.4).

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 Respondent's registration and use of the Domain Name constitutes bad faith under the Policy.

Furthermore, the fact that the Domain Name currently leads at times to a PPC page and at times to an inactive website does not prevent a finding of bad faith.

The Panel finds that 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 Domain Name <tg4.org> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: February 20, 2025