

## **ADMINISTRATIVE PANEL DECISION**

Blanco y Negro Music S.A. v. Domain Privacy, Domain Name Privacy Inc.  
Case No. D2025-0322

### **1. The Parties**

The Complainant is Blanco y Negro Music S.A., Spain, represented by José Ramón Gil Cantons, Spain.

The Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

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

The disputed domain name <blancoynegromusic.com> is registered with DropCatch.com LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 28, 2025. On January 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 28, 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, NameBrightPrivacy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 29, 2025, 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 amended Complaint on February 7, 2025.

The Center verified that the Complaint together with the amendment to 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 Respondent of the Complaint, and the proceedings commenced on February 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 28, 2025.

The Center appointed George R. F. Souter as the sole panelist in this matter on March 5, 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**

The Complainant's BLANCO Y NEGRO MUSIC trademark is a widely recognised and prestigious brand in music industry, both domestically and in international markets, and the Complainant has provided the Panel with evidence to this effect.

The Complainant is the proprietor of a number of trademark registrations of its BLANCO Y NEGRO MUSIC trademark, including European Union trademark registration number 000419002, registered on December 19, 2000.

The disputed domain name was registered on April 9, 2024, and redirects to a website with adult content.

#### **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, it is obvious from the Complainant's submission that it has not consented to the Respondent's registration and use of the disputed domain name.

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

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

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

The 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 Panel finds that the Complainant's mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark 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**

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 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 name such as those enumerated in the Policy or otherwise.

Furthermore, the Panel finds that the composition of the disputed domain name identical to the Complainant's trademark carries a high risk of implied affiliation. [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 Complainant acquired rights in the BLANCO Y NEGRO MUSIC trademark years before the registration of the disputed domain name.

The Panel considers it obvious that the disputed domain name has been intentionally copied from the Complainant's trademark, which justifies a finding of registration in bad faith, and the Panel so finds.

In one of the earliest decisions under the Policy, in *Nokia Corporation v Nokiagirls.com a.k.a. IBCC*, WIPO Case No [D2000-0102](#), the panel decided that the use of a disputed domain name, found to be confusingly similar to the complainant's trademark used for entirely different commercial purposes, in connection with the operation of an adult or pornographic website constitutes use of the disputed domain name in bad faith.

In a recent decision, in *Fenix International Limited v Roger Ferreira, Calcinha Molhada*, WIPO Case No [D2025-0347](#), the panel, in similar circumstances to those of the present case, regarded the use of the disputed domain name as "an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, affiliation or endorsement of the disputed domain name as set out in paragraph 4(b)(iv) of the Policy. See [WIPO Overview 3.0](#), section 3.1.4."

The Panel in the present case agrees with the reasoning of the panels in the above-quoted cases and, in the circumstances of the present case, regards the risk of tarnishment of the Complainant's mark arising from the Respondent's use of the disputed domain name as severe. Accordingly, the Panel finds that the disputed domain name is being used in bad faith.

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 name <blancoynegromusic.com> be transferred to the Complainant.

/George R. F. Souter/

**George R. F. Souter**

Sole Panelist

Date: March 19, 2025