

ADMINISTRATIVE PANEL DECISION

Marc John Randazza v. Dwight Schar Victims Inc.
Case No. D2025-0422

1. The Parties

Complainant is Marc John Randazza, United States of America (“United States”), represented by Randazza Legal Group PLLC, United States.

The originally named Respondent was Dwight Schar Victims Inc., United States. Pursuant to rulings below, Don Karl Juravin, United States, is added as an additional Respondent.

2. The Domain Name and Registrar

The disputed domain name <corruptrandazza.com> (hereinafter the “Disputed Domain Name”) is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 3, 2025. On February 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 4, 2025, the Registrar transmitted by email to the Center its verification response confirming that Respondent Dwight Schar Victims Inc. is listed as the registrant and providing the contact details.

The Center verified that 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 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. Respondent sent an email communication to the Center on February 7, 2025. Complainant filed a supplemental filing to the Center on February 17, 2025. On the same day, Respondent requested that the Response due date be extended to March 10, 2025. On February 20, 2025, Complainant objected to Respondent’s extension request. Respondent sent another email communication to the Center on the same day. The Center in accordance with paragraph 5(e) of the Rules

granted the extension of time until March 3, 2025. Respondent sent several email communications to the Center on February 25 and 27, 2025. The Response was filed with the Center on March 4, 2025.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on March 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.

Respondent sent an email communication to the Center on March 20, 2025, raising procedural questions regarding the composition of the Panel.

4. Factual Background

Complainant is a United States attorney who often represents clients in cases involving free speech or intellectual property issues. He has appeared on and written several articles for various news outlets, including National Public Radio, The New York times, CNN, Fox News, NBC, and Vegas Inc., He has appeared as a commentator for CNN. Complainant asserts rights in United States Trademark Registration No. 4409640 for the trademark RANDAZZA LEGAL GROUP (registered October 1, 2013), which is owned by RANDAZZA LEGAL GROUP PLLC, a law firm founded and managed by Complainant.

On several occasions, Complainant has represented parties adverse to Respondent. In a United States Federal Trade Commission proceeding, the relevant federal court found that Respondent had used deceptive advertising to promote a weight loss regimen and imposed a penalty of approximately USD 25,000,000. Complainant submitted a brief in that action that was adverse to Respondent.

Complainant has also represented parties adverse to Respondent on several occasions, obtaining injunctions prohibiting Respondent from making various false statements online about Complainant's clients.

Complainant has also testified against Respondent in a proceeding that resulted in a jail sentence being imposed on Respondent.

Respondent registered the Disputed Domain Name on November 17, 2020. On the associated website (hereinafter the "Disputed Website"), Respondent publishes information and commentary critical of Complainant. The landing page begins with "CORRUPT MARC RANDAZZA . . . Bar Complaints-Facts-Opinions" posted in large bold type, followed by "[i]nformation curated from across the web, courts, State Bars, articles, comments, etc. [. . .] You will decide what's real or true. We are not affiliated with attorney Randazza . . ." On the next several pages, Respondent publishes summaries of purported bar complaints, court or agency rulings, and publications, all of which are critical of Complainant. Many of the summaries identify Respondent as the complaining party.

Complainant prevailed in a prior UDRP complaint against Respondent, which transferred the domain name <marcrandazza.legal> to the Complainant. See *Marc John Randazza v. Contact Privacy Inc. Customer 1248477621 / Don Juravin*, WIPO Case No. [D2020-3041](#).

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.

Notably, Complainant contends that Respondent is using the Disputed Domain Name to retaliate against him, explaining that "In short, [Respondent] Juravin is more than \$25,000,000 in debt, has lost his business,

and is going to jail – all because of his own illegal and psychotic behavior. However, he blames Randazza for his troubles, and is doing everything he can, every chance he can, to try and harm Randazza's business and to interfere with Randazza's recognized rights."

Complainant contends that Respondent makes misleading and false statements on the Disputed Website. The overall format is misleading because the publisher is not identified purports to "curate" the complaints of others, while in reality the "curator" is the complaining party. Complainant contends that the statements on Disputed Website are false. With respect to the bar complaints, for example, Complainant says "[a]ll were dismissed." Complainant alleges that Respondent falsely states that Complainant has the lowest rating on <avvo.com>, a popular website that rates attorneys based on information scraped from websites. Complainant contends that he enjoys a much higher rating on <avvo.com>.

Complainant contends that while Respondent's "use is not commercial in the traditional sense of directing users to a competitor, he is using the Infringing Domain Name for commercial advantage by trying to deprive parties with whom he is currently in litigation of their counsel of choice."

Complainant contends that Respondent's use constitutes tarnishment.

Complainant contends that the present case is indistinguishable from his prior WIPO UDRP case against Respondent, as mentioned above, where the panel found that Respondent's use of the domain name was tarnishment and a pretext for the commercial purpose of pressuring Complainant to stop representing clients adverse to Respondent.

In his supplemental filing (Supplement to the Complaint), Complainant argues that the statements in the Disputed Website violate a recently entered injunction that bars Respondent from making certain statements about one of Complainant's clients or their agents. Complainant contends that because he is such an agent, the injunction protects him.

B. Respondent

Respondent contends that his criticisms are protected by the free speech provisions of the First Amendment of the United States Constitution and argues that Complainant is attempting to misuse the UDRP proceeding to suppress legitimate public criticism about his legal and ethical conduct.

6. Procedural Rulings

On February 17, 2025, Complainant requested leave to file a Supplement the Complaint based on email communications that Don Juravin sent to the Center, stating his intention to file a response on behalf of the named Respondent Dwight Schar Victims Inc. Complainant submits that these communications show that Don Juravin is the person responsible for the registration of the Disputed Domain Name. The Panel grants Complainant's request. Moreover, in view of this submission, Don Juravin's subsequent filings, and Complainant's contention that Don Juravin is responsible for and controls the named Respondent, the Panel will treat Don Juravin as Respondent and all references in this Decision to Respondent should be considered a reference to Don Juravin.

Complainant also requests leave to assert an additional argument in support of the Complaint, namely that the statements made on the Disputed Website violate an injunction against Don Juravin issued by a Florida court on February 7, 2025,¹ which was a few days after the Complaint was filed in this matter on February 3, 2025. The Panel grants Complainant's request.

The Panel also notes that Respondent filed his Response two days late. The Panel will nonetheless consider the Response.

¹ *DCS Real Estate Investments v. Juravin*, Case No. 2017-CA-0667 (5th Jud. Cir., Lake Cty.)

7. 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 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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. In addition to the trademark registration for RANDAZZA LEGAL GROUP, Complainant's media appearances support a claim to common law rights for the marks MARC RANDAZZA and RANDAZZA LEGAL GROUP. Two prior UDRP decisions have recognized Complainant's common law rights. See *Marc John Randazza v. Contact Privacy Inc. Customer 1248477621 / Don Juravin*, WIPO Case No. [D2020-3041](#); *Marc J. Randazza v. Reverend Crystal Cox, Eliot Bernstein*, WIPO Case No. [D2012-1525](#).

The dominant and distinctive component of Complainant's trademarks - RANDAZZA - is reproduced and 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.

Although the addition of the term "corrupt" bears on the assessment of the second and third elements, the Panel finds the addition of this term does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's trademark 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

Respondent contends that he is making critical commentary about Complainant that is protected by the First Amendment of United States Constitution. The Panel evaluates this contention under the fair use provisions of paragraph 4(c)(iii) of the Policy, which has been interpreted to require that a respondent's criticism must be genuine and noncommercial, and may not be primarily a pretext for cybersquatting, commercial activity, or tarnishment. [WIPO Overview 3.0](#), section 2.6.1.

Where the domain name is not identical to the complainant's trademark, but it comprises the mark plus a derogatory term (e.g., <trademarksucks.tld>), panels tend to find that the respondent has a legitimate interest in using the trademark as part of the domain name of a criticism site if such use is prima facie noncommercial, genuinely fair, and not misleading or false.

Respondent is not impersonating Complainant. The inclusion of the term "corrupt" in the Disputed Domain Name plus the very clear critical content on the related website prevents Internet users from mistakenly perceiving that the Disputed Domain Name is sponsored or affiliated with Complainant. The inclusion of "corrupt" in the Disputed Domain Name also distinguishes Complainant's prior case against Respondent, which, unlike the present case, considered and transferred a domain name that did not include a derogatory term, and, accordingly, failed the impersonation test. *Randazza v. Juravin*, WIPO Case No. [D2020-3041](#). (<marcrandazza.legal> transferred).

In the present case, there is no overt commercial use of the Disputed Domain Name. Complainant argues that Respondent seeks indirect commercial gain that would flow if Complainant stopped representing Respondent's adversaries. The Panel rejects this contention; it is based on speculation, and the hypothesized commercial benefit to Respondent is too indirect and remote. Moreover, crediting such an argument borders on defying common sense and might convert many criticism sites into commercial endeavors based on far-flung speculation about potential indirect commercial benefit. Although the prior panel in WIPO Case No. [D2020-3041](#) credited this argument, it did so without analysis but also based on the

fact that the challenged domain name failed the impersonation test because it did not include a derogatory component.

Complainant argues that Respondent's purpose is to tarnish its trademark, but the evidence does not support this contention. As explained in *Sermo, Inc. v. CatalystMD, LLC*, WIPO Case No. [D2008-0647](#) (<sermosucks.com>), "[a]lthough it is true that [r]espondent's criticism is meant to harm [c]omplainant's reputation and drive physicians away from [c]omplainant's services, that is not the kind of 'tarnishment' prohibited by the Policy. Rather [. . .] tarnishment in the context of the UDRP refers to unseemly conduct [impairing] an otherwise wholesome mark. [. . .] Fair-use criticism, even if libelous, does not constitute tarnishment and is not prohibited by the Policy; rather, claims sounding in commercial libel must be brought in other legal venues". The prior panel's credit of the tarnishment argument in WIPO Case No. [D2020-3041](#) is distinguished for the reasons set out above.

Complainant also alleges that Respondent makes false accusations on the Disputed Website, but the Policy is not intended or equipped to resolve disputed contentions about the accuracy of critical comments, even if they are libelous:

"Because it was an obvious criticism site, and not a site deceptively designed to lure Internet users in on the false pretense of being the Complainant's site, the Panel finds that the site was not likely to confuse consumers.") [. . .] That is true even if the website at issue contains content that is alleged to be libelous, defamatory, or otherwise highly inappropriate (as Complainant alleges here). WIPO Case No. [D2008-0647](#). It is not the province of UDRP panels to pass judgment on such allegations; rather, claims of libel or defamation should be brought in forums that have jurisdiction over claims of that nature. *Dover Downs Gaming & Entertainment, Inc. v. Domains By Proxy, LLC / Harold Carter Jr, Purlin Pal LLC*, WIPO Case No. [D2019-0633](#) ("claims for defamation must be brought in other legal venues."). "The UDRP concerns itself only with the question of whether the registration and use of the domain name constitutes abusive cybersquatting." *Victor Bekhet v. Kirk Uhler / Brian Jagger*, WIPO Case No. [D2021-0039](#). See also *MUFG Union Bank, N.A. v. William Bookout*, WIPO Case No. [DME2014-0008](#):

"A UDRP proceeding, however, is not an appropriate or practical forum for ascertaining the truthfulness of the allegations published on the Respondent's website, as would be necessary in a legal action for defamation. It suffices for UDRP purposes to determine whether the website is genuinely devoted to a free speech purpose such as commentary and criticism, rather than serving as "primarily a pretext for commercial advantage. [. . .] In the Panel's view, the truth or falsehood of the disparaging statements made on the Respondent's website is a determination better left to a court, following evidentiary discovery and the examination of witnesses; it is not one suited to the limited scope and procedures of a UDRP proceeding."

This recognition of the limits of proceedings under the Policy is especially appropriate here, where the Parties have been engaged in a litigious feud for several years.

Complainant contends in his supplemental filings that the statements on the Disputed Website violate the terms of an injunction issued by the Florida court on February 7, 2025, as previously noted. The copy of the injunction that Complainant submitted as Annex U requires that Respondent remove "the Juravin Statements, as exemplified on the Juravin Websites and in the Exhibits to the Fourth Amended Complaint [. . .]". These exemplars have not been submitted in these proceedings so the Panel has no basis for determining whether the statements on the Disputed Website are covered by the injunction. Regardless, the Panel deems it more appropriate that the Florida court determine whether Respondent has violated its injunction. See [WIPO Overview 3.0](#), section 4.14.6.

The Panel finds the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

Given that the second element of the Policy has not been established, the Panel will not address the third element.

8. Decision

For the foregoing reasons, the Complaint is denied.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: March 31, 20125