

ADMINISTRATIVE PANEL DECISION

Steven Fenic v. Kyle E. Baugues

Case No. D2025-0751

1. The Parties

The Complainant is Steven Fenic, United States of America (“United States”), represented by The Rapacke Law Group, United States.

The Respondent is Kyle E. Baugues, United States.

2. The Domain Name and Registrar

The disputed domain name <stevefezzik.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 24, 2025. On February 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 25, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent 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 the Respondent of the Complaint, and the proceedings commenced on February 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. On March 14, 2025, the Respondent, using the WIPO’s platform to submit a reply, sent two communications. The Center acknowledged receipt of both communications on the same date.

Accordingly, the Center notified the commencement of the panel appointment process on March 19, 2025.

The Center appointed Evan D. Brown as the sole panelist in this matter on March 20, 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 is in the business of providing entertainment services relating to sporting events and sports betting. It owns the trademark STEVE FEZZIK, for which it enjoys the benefits of registration in the United States (Reg. No. 7,635,383, registered on December 31, 2024). The Complainant asserts – and the registration certificate likewise reflects – that the Complainant has used the STEVE FEZZIK mark in commerce since at least as early as September 1, 2006.

According to the Whois records, the disputed domain name was registered on August 23, 2010. The record indicates that the Respondent has used the disputed domain name to imitate the Complainant, including by offering services directly competitive with those of the Complainant and by incorporating photographs of the Complainant on the associated website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not substantively respond to the Complainant's contentions. However, the Respondent submitted two brief, informal communications to the Center. In one, the Respondent claimed, "Steven Fezzik is my legal name" and that the disputed domain name "has been parked blank". In another, the Respondent made a cryptic and potentially threatening statement unrelated to the merits of the dispute.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is 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 name, and (iii) the disputed domain name has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the STEVE FEZZIK mark by providing evidence of its trademark registration. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name is identical to the Complainant's registered trademark. The applicable generic Top-Level Domain (".com") is disregarded for purposes of this comparison. See [WIPO Overview 3.0](#) at 1.11.1.

The Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Complainant must first make a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name. The burden then shifts to the Respondent to rebut that showing. See [WIPO Overview 3.0](#), section 2.1.

The Complainant asserts that it has not authorized the Respondent to use the STEVE FEZZIK mark, that the Respondent is not affiliated with the Complainant, and that the Respondent is using the disputed domain name to impersonate the Complainant. In particular, the website at the disputed domain name has used photographs of the Complainant and offered the same types of services covered by the Complainant's trademark registration.

Although the Respondent claims that "Steven Fezzik is [its] legal name", this statement is not supported by evidence and is contradicted by the information provided by the Registrar and by the Respondent's own behavior. The Panel notes that the website associated with the disputed domain name featured images of the Complainant and stated "Official website of Handicapper Steve Fenic!". The Respondent's email message, which contains the domain name in the signature, boasts of using the website to reach customers seeking the Complainant's services and to distribute the Complainant's betting picks "all for free". This strongly supports a finding of impersonation and deceptive conduct.

The Panel finds that the Complainant has made a prima facie showing and that the Respondent has failed to rebut it. Use of a domain name to impersonate or pass off as another party can never confer rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Bad Faith

The Complainant must establish that the disputed domain name was registered and is being used in bad faith.

The Complainant has used the STEVE FEZZIK mark since at least as early as 2006, a date supported by its trademark registration certificate. The Panel finds it implausible that the Respondent independently chose the identical name without knowledge of the Complainant. The disputed domain name has been used to operate a website offering services identical to those provided by the Complainant. Moreover, the website has used photographs of the Complainant, further reinforcing the impression of affiliation.

The Respondent's email message confirms awareness of the Complainant and a deliberate effort to mislead consumers. The message states that "they all come to my site" and that the site is "for sale", evidencing a commercial motive to exploit the Complainant's identity and goodwill.

The Respondent's conduct falls squarely within the scope of paragraph 4(b)(iv) of the Policy, which considers it bad faith to use a domain name to intentionally attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant's mark.

Accordingly, 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 <stevefezzik.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: April 3, 2025