

ADMINISTRATIVE PANEL DECISION

Bad Kitty's Dad, LDA v. AMI SEO4

Case No. D2025-1131

1. The Parties

Complainant is Bad Kitty's Dad, LDA, Portugal, represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is AMI SEO4, Philippines.

2. The Domain Names and Registrars

The disputed domain names <ometv.bz> ("disputed domain name No. 1"), <ometv.com.co> ("disputed domain name No. 2") and <ometv-live.net> ("disputed domain name No. 3") (together "disputed domain names") are registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 19, 2025. On March 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 20, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names 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 March 21, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. On March 27, 2025, Complainant filed an amended Complaint in respect of the disputed domain names <ometv.bz>, <ometv.com.co> and <ometv-live.net>, and requested the termination of proceeding in respect of the other disputed domain name <ometv.dev>. On March 28, 2025, the Center acknowledged Complainant's request and confirmed that it would not proceed in respect of the disputed domain name <ometv.dev>.

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 April 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2025. Respondent did not file a Response.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on May 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

Complainant is a company organized under the laws of Portugal that is active in the games & entertainment software and application industry and operates a free online video chat platform called “OmeTV”.

Complainant has provided evidence that it is the registered owner of numerous trademarks relating to its company name and brand “OmeTV”, inter alia, but not limited to, the following:

- word trademark OMETV, European Union Intellectual Property Office (EUIPO), registration number: 018021225, registration date: June 4, 2019, status: active;
- word trademark OMETV, United States Patent and Trademark Office (USPTO), registration number: 5833264, registration date: August 13, 2019, status: active;

Moreover, Complainant has demonstrated to be the owner, inter alia, since 2015 of the domain name <ome.tv> which resolves to Complainant’s main website at “www.ome.tv”, used to promote Complainant’s services and related products in the games & entertainment software and application industry, and especially to operate the “OmeTV” platform.

Respondent, according to the registrar verification, is located on the Philippines. The disputed domain names were all registered on September 10, 2024; by the time of the rendering of this decision, none of them resolves to any relevant content on the Internet, but to error pages only. Complainant, however, has demonstrated that at some point before the filing of the Complaint, the disputed domain names resolved to websites offering Complainant’s services, e.g. video chats, thereby prominently displaying Complainant’s OMETV trademark and official logo throughout those websites.

On January 10, 17 and 24, 2025, Complainant’s legal representatives sent cease-and-desist letters to the contact information under the disputed domain names requesting Respondent to transfer the latter voluntarily. Respondent did not go back to Complainant.

Complainant, therefore, requests that the disputed domain names be transferred to Complainant.

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 names. Notably, Complainant contends that since its launch date in 2015, the “OmeTV” platform has become a popular random chat platform for users seeking to connect with people from all around the world and that, therefore, Complainant’s OMETV trademark has become well recognized and

respected worldwide and in the respective industry, distinctive and uniquely associated with Complainant and its products and services.

Complainant submits that the disputed domain names are identical or at least confusingly similar to Complainant's OMETV trademark, as the disputed domain names Nos. 1 and 2 consist solely of the latter (resulting in identity), while with respect to the disputed domain name No. 3, the term "live" has been added thereto (resulting in confusing similarity). Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain names since (1) Complainant has not licensed, authorized, or permitted Respondent to register domain names incorporating Complainant's OMETV trademark, (2) Respondent is not commonly known by the disputed domain names, (3) Respondent's inclusion of Complainant's logo on the disputed domain names' websites is a direct effort to take advantage of fame and goodwill that Complainant has built in its brand, and (4) Respondent is not only using the confusingly similar disputed domain names, but is also imitating Complainant by displaying Complainant's OMETV logo. Finally, Complainant argues that Respondent has registered and is using the disputed domain names in bad faith since (1) Complainant and its OMETV trademark are recognized, with trademark registration across numerous countries, with the OMETV video chat platform first launched in 2015, which falls before Respondent's registration of the disputed domain names on September 10, 2024, (2) Respondent has used the disputed domain names to redirect Internet users to websites offering Complainant's services whilst using Complainant's OMETV trademark and logo throughout the websites, and (3) the impression given by the disputed domain names and the websites thereunder would cause consumers to believe Respondent is somehow associated with Complainant when, in fact, it is not, which is why Respondent is attempting to pass itself off as Complainant and profit from such confusion.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) that the disputed domain names have been registered and are being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

First, 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 OMETV trademark and the disputed domain names. 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 its OMETV trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Moreover, the entirety of such trademark is reproduced within all the disputed domain names, in the case of the disputed domain name No. 3 simply added by the term "live". Accordingly, the disputed domain names Nos. 1 and 2 are identical to Complainant's OMETV trademark for the purposes of the Policy, while the disputed domain name No. 3 is confusingly similar thereto.

[WIPO Overview 3.0](#), section 1.7. Although the addition of other terms (here, the term “live” in the disputed domain name No. 3) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name No. 3 and Complainant’s OMETV trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel, therefore, holds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in the disputed domain names.

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 disputed domain names. 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 disputed domain names such as those enumerated in the Policy or otherwise.

Respondent has neither been granted a license nor has it been otherwise authorized by Complainant to use its OMETV trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent’s name somehow corresponds with the disputed domain names, and Respondent does not appear to have any trademark rights associated with the term “ometv” on its own. Finally, at some point before the filing of the Complaint, the disputed domain names resolved to websites offering Complainant’s services, e.g. video chats, thereby prominently displaying Complainant’s OMETV trademark and official logo throughout those websites without any authorization to do so. Such use of the disputed domain names neither qualifies as bona fide nor as legitimate noncommercial or fair within the meaning of paragraph 4(c) of the Policy. Quite to the contrary, Respondent at some point apparently was passing itself as Complainant on the websites operated under the disputed domain names. In this context, UDRP panels agree that the use of a domain name for illegitimate/illegal activity such as e.g. impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel, therefore, finds the second element of the Policy has been established, too.

C. Registered and Used in Bad Faith

Third, 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 circumstances in this case leave no doubt that Respondent was fully aware of Complainant’s “OmeTV” video chat platform and its related rights in the undisputedly well-known OMETV trademark when registering the disputed domain names and that the latter clearly are directed thereto. Moreover, using the disputed domain names to run websites offering Complainant’s identical services, e.g. video chats, thereby prominently displaying Complainant’s OMETV trademark and official logo throughout those websites without any authorization to do so, is a clear indication that Respondent intentionally attempted to attract, for

commercial gain, Internet users to its own websites by creating a likelihood of confusing with Complainant's OMETV trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain names in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. Moreover, the Panel notices that Respondent at some point apparently was passing itself as Complainant on the websites operated under the disputed domain names. In this context, UDRP panels also agree that the use of a domain name for illegitimate/illegal activity such as e.g. impersonation/passing constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Finally, it also carries weight in the eyes of the Panel that Respondent obviously provided false or incomplete contact information in the Whois register for the disputed domain names since, according to the email correspondence between the Center and the postal courier DHL, the Written Notice on the Notification of Complaint dated April 3, 2025 could not be delivered due to a bad address. This fact at least throws a light on Respondent's behavior which supports the Panel's bad faith finding.

The Panel, therefore, holds that Complainant has established the third element of the Policy, too.

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, <ometv.bz>, <ometv.com.co> and <ometv-live.net>, be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: May 19, 2025