

ADMINISTRATIVE PANEL DECISION

Hearst Communications, Inc. v. Kristin Mann
Case No. D2025-1143

1. The Parties

Complainant is Hearst Communications, Inc., United States of America ("United States"), internally represented.

Respondent is Kristin Mann, United States.

2. The Domain Name and Registrar

The disputed domain name <heasst.com> is 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 name. On March 20, 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 March 21, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant did not file an amendment to the Complaint.

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 April 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 25, 2025.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on May 2, 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.

As noted above, following receipt of the identity of the registrant of the disputed domain name (otherwise shielded by a privacy service) from the Registrar, the Center notified Complainant of Respondent's identity which differed from the privacy service named in the Complaint. In correspondence with Complainant, the Center noted that a decision by Complainant not to amend its Complaint would not create a formal deficiency.

The Panel treats the disclosed registrant-in-fact of the disputed domain name as Respondent in this proceeding, noting also that the contact information provided by Respondent in its record of registration is likely falsified.

4. Factual Background

Complainant is a diversified media, information and services company organized in the State of Delaware, United States. Complainant is engaged in various areas of business, including holding ownership interests in Fitch Group financial services, Hearst Health, and Hearst Transportation, and it holds ownership interests in cable television networks, newspapers and more than 200 magazines around the world. Complainant operates a commercial website at the domain name <hearst.com>.

Complainant is the owner of various HEARST-formative trademark registrations on the Principal Register of the United States Patent and Trademark Office ("USPTO"), including HEARST BOOKS, registration number 3736911, registration dated January 12, 2010, in international class ("IC") 16, covering books in various fields; HEARST HOME, registration number 6,316,390, registration dated April 6, 2021, in IC 16, covering non-fiction books in various fields, and; HEARST MEDIA PRODUCTION GROUP, registration number 7,013,784, registration dated March 28, 2023, in IC 41, covering media production services, as further specified. Complainant is owner of several registrations for the word trademark HEARST on the trademark register of China, including registration number 16667192, registration dated April 14, 2017, in IC 35, covering advertising services, as further specified.

According to the Registrar's verification, Respondent is registrant of the disputed domain name. According to the Whois report, the disputed domain name was registered on November 20, 2024. There is no evidence on the record of this proceeding that any party other than Respondent has owned or controlled the disputed domain name since its creation date.

Respondent does not appear to have associated the disputed domain name with a website. Complainant has provided evidence that Respondent has used the disputed domain name as the email domain for messages purporting to originate with an actual employee of a television station owned by Complainant. That employee, the "digital sales manager", using her usual username with the disputed domain name as sender domain, purportedly transmitted several requests to an advertiser on the television station to create a payment account, and requested payment of attached invoices to the new account. The emails purportedly transmitted by the actual employee of Complainant's television station include one of Complainant's logos and trademarks, along with genuine contact information for the digital sales manager. Complainant has not provided information as to whether the solicited advertiser made payment pursuant to the fraudulent solicitation.

There is no evidence on the record of this proceeding of any association, commercial or otherwise, between Complainant and Respondent.

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 it is the owner of rights in the trademark HEARST, and that the disputed domain name is confusingly similar to that trademark.

Complainant argues that Respondent lacks rights or legitimate interests in the disputed domain name because it was registered for fraudulent malicious activities, and that Respondent has no rights or legitimate interests in respect to the disputed domain name.

Complainant alleges that Respondent registered and is using the disputed domain name in bad faith because Respondent created and has used the disputed domain name in connection with a scheme to defraud Complainant and its advertising customer.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

The Center formally notified the Complaint to Respondent at the email and physical addresses provided in its record of registration. Courier delivery to the physical address provided by Respondent in its record of registration was successfully completed. It is likely that the address to which the Complaint was delivered is not an actual address of Respondent, but rather of an unaffiliated addressee. It appears that email transmission to Respondent's listed addresses may have been at least partially successful. The Center took those steps prescribed by the Policy and the Rules to provide notice to Respondent, and those steps are presumed to satisfy notice requirements.

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief. These elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) 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.

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.

Complainant's United States trademark registrations, see Factual Background above, are HEARST-formative combinations, which include HEARST as the dominant distinctive element along with descriptive terms. Complainant is the owner of registrations in China for the HEARST word trademark standing alone.

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 the HEARST-formative marks and the HEARST mark are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The disputed domain name is also identical to Complainant's HEARST trademark but for a single letter substitution (i.e., "s" for "r"), resulting in a difference that is difficult to detect. [WIPO Overview 3.0](#), section 1.9. Moreover, panels have also found that the overall facts and circumstances of a case (here claimed impersonation in an attempted (or completed) perpetration of fraud) may support a finding of confusing similarity, particularly where it appears that the respondent registered the domain name precisely because it believed that the domain name was confusingly similar to a mark held by the complainant. [WIPO Overview 3.0](#), section 1.7.

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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving 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 Respondent. As such, where Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent, as here, fails to come forward with such relevant evidence, 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 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 disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of the disputed domain name for illegitimate or illegal activity, here claimed impersonation in an attempted (or completed) perpetration of fraud, can never confer rights or legitimate interests on Respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that Respondent was manifestly aware of Complainant and its trademark when it registered and used the disputed domain name because it used Complainant's trademark logo in the body of emails Respondent transmitted as part of its scheme to defraud.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of the disputed domain name for illegitimate or illegal activity, here claimed impersonation of Complainant and its employee in an attempted (or completed) perpetration 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 disputed domain name constitutes bad faith under the Policy.

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 disputed domain name <heasst.com> be transferred to Complainant.

/Frederick M. Abbott/

Frederick M. Abbott

Sole Panelist

Date: May 9, 2025