

ADMINISTRATIVE PANEL DECISION

International School of Temple Arts v. Eyal Shaham
Case No. D2025-1552

1. The Parties

The Complainant is International School of Temple Arts, United States of America ("United States"), represented by RM Warner P.L.C., United States.

The Respondent is Eyal Shaham, Israel, self-represented.

2. The Domain Name and Registrar

The disputed domain name <internationalschooloftemplearts.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 15, 2025. On April 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 17, 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 (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 22, 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 April 25, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on April 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2025. The Response was filed with the Center on May 16, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on May 22, 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.

On May 27, 2025, the Complainant submitted a request to provide an unsolicited supplemental filing. In the light of the Panel's findings below, the Panel does not consider it necessary to determine the Complainant's request.

4. Factual Background

The Complainant is a nonprofit corporation, founded in 2007, and formed in January 2018 under the laws of the State of Arizona, United States. It submits that it promotes and teaches sexual wellness through workshops and retreats hosted throughout the United States and elsewhere. Its website at "www.ista.life" states that: "The vision of ISTA is to expand consciousness and sexuality across the globe."

The Complainant does not claim any existing registered trademark rights in connection with this dispute. However, it filed an application for a United States standard character mark INTERNATIONAL SCHOOL OF TEMPLE ARTS in February 2025.

The Complainant operates a website at "www.ista.life". It also owns the domain name <schooloftemplearts.org>, which redirects to that website.

The disputed domain name was created on November 25, 2021. The Respondent claims it acquired it on a date in 2023.

The Complainant exhibits evidence that, on April 6, 2025, the disputed domain name resolved to a website featuring an image of what the Complainant describes as: "a disturbing AI-generated image of creepy, hooded individuals huddled around a man in the center holding carrots." The website also included a "Coming Soon" label, in which the letter "I" was presented in the style of a lightning bolt.

At the date of this Decision, the disputed domain name resolves to a website headed "ISTA Awareness", describing itself as a "Critical Commentary & Awareness Site", and containing a variety of content and materials critical of the Complainant. The website includes a prominent disclaimer stating that it is not affiliated with the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant claims common law (i.e., unregistered) trademark rights in the name INTERNATIONAL SCHOOL OF TEMPLE ARTS by virtue its use of that name (together with the acronym "ISTA", in which it claims similar common law rights) since at least October 2007. It relies in this regard on correspondence with clients, marketing materials, recognition on Wikipedia, and its presence on social media, including Facebook, YouTube, and Instagram, where it claims over 26,300 followers. The Complainant submits that the name INTERNATIONAL SCHOOL OF TEMPLE ARTS has become a distinctive identifier which the public would associate with its services.

The Complainant further submits that the Respondent has used the exact wording of the Complainant's trademark in the disputed domain name, which indicates Respondent's knowledge of the Complainant and its trademark, and supports its assertion that its mark has achieved significance as a source identifier (see e.g. section 1.3 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))).

The Complainant contends that the disputed domain name is identical to its trademark INTERNATIONAL SCHOOL OF TEMPLE ARTS.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it used the trademark INTERNATIONAL SCHOOL OF TEMPLE ARTS for at least 14 years before the Respondent acquired the disputed domain name, and that the Respondent has not made any bona fide commercial use of the disputed domain name. The Complainant contends that, instead, the Respondent has used the disputed domain name to impersonate the Complainant by confusing Internet users into believing its website must be that of the Complainant, and that it then uses that website to present the Complainant in a false and negative light. The Complainant argues that the image displayed by the Respondent (as of April 6, 2025) is intended to evoke “detestable cult activities”, “to induce revulsion in prospective and existing clients”, and to indicate that something “nefarious” is coming soon. The Complainant claims, in particular, that the inclusion of carrots in the image reflects unfounded rumours that carrots have been used in an inappropriate manner at certain of the Complainant’s retreats.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It states, in particular, that the Respondent registered the disputed domain name in order to impersonate the Complainant, to tarnish its image and to place it in a negative light. It asserts that the Respondent is attempting to deter potential clients from dealing with the Complainant and to sabotage its reputation.

The Complainant contends that, while the Respondent may have the right to express legitimate criticism of the Complainant, that right does not extend to using a domain name that is identical to the Complainant’s trademark in a manner likely to cause confusion.

The Complainant further submits that the Respondent has pursued a years-long campaign of defamatory conduct against the Complainant, including spreading demonstrably false allegations of misconduct. The Complainant states that the Respondent’s use of the disputed domain name does not represent bona fide commentary or criticism, but instead the pursuit of a personal vendetta aimed at causing reputational and economic harm to the Complainant.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent submits that it registered and has used the disputed domain name to host a noncommercial, public-interest website exposing serious ethical issues and alleged abuses within the Complainant. It denies that it has sought to impersonate the Complainant, to divert the Complainant’s customers, or to pursue any defamatory campaign.

The Respondent provides details of its allegations against the Complainant, and of both the Complainant’s participants and third-party organizations which it claims to be the sources of these allegations. It states that it acquired and has used the disputed domain name as a prominent platform for victims’ voices and information.

The Respondent concedes that the first element under the Policy may be satisfied. It submits, however, that its choice of a domain name “similar” to the Complainant’s trademark was a deliberate choice in order to identify the Complainant and does not imply any wrongful intent.

The Respondent acknowledges that the use of a domain name which is identical to a trademark could cause “initial interest confusion” as to the operator of the relevant website. However, it states that panels’ approach to this matter is not inflexible, and that a more nuanced and holistic approach is appropriate in this case. While conceding that the disputed domain name does not include any criticism type element, it contends that the totality of factors, including noncommercial use, truthful content and clear disclaimers, can support a finding of rights or legitimate interests. The Respondent adds that no other domain name would come as readily to the attention of the individuals most in need of the Respondent’s information, i.e., unsuspecting

Internet users who may have heard of the Complainant and therefore visit the “obvious” “.com” domain name.

The Respondent submits that it is not a competitor of the Complainant and is not seeking any commercial gain from its use of the disputed domain name. It further contends that genuine criticism or commentary should not be regarded as “tarnishment” of the Complainant’s trademark and must be contrasted with vulgar, unrelated content such as e.g., pornography.

The Respondent denies that any of the circumstances contemplated by paragraph 4(b) of the Policy, as potential indicators of bad-faith intent, are present in this case. It submits in particular that what the Complainant portrays as “reputational sabotage” is not encompassed by paragraph 4(b)(iv) of the Policy, which is directed to the diversion of Internet users for commercial gain. The Respondent states that it is providing bona fide criticism in good faith, based on reliable sources of information.

The Respondent states that the original version of its website (i.e., that relied on by the Complainant) is outdated. It states that, while the website was intended to invoke cult-like behaviour, it was never intended to mimic the Complainant’s branding or to confuse visitors. Concerning its use of an image featuring carrots, the Respondent states that this relates to documented allegations and not merely to rumours. It submits that, in any event, it has now updated the website include appropriate disclaimers and to make clear that it contains independent, critical commentary.

The Respondent adds that it has approached this proceeding openly and has not sought to hide its identity; that the Complainant has not provided any evidence of actual confusion on the part of Internet users; and that the Complainant does not come to the proceeding with “clean hands” in view of the wrongdoing that has been alleged against it.

The Respondent requests that the Complaint be denied accordingly.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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.

A. Identical or Confusingly Similar

In this case, the Complainant does not rely on any trademark registrations but claims common law or unregistered trademark rights in the mark INTERNATIONAL SCHOOL OF TEMPLE ARTS.

As observed in paragraph 1.3 of [WIPO Overview 3.0](#): “To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant’s goods and/or services.”

The Panel is satisfied that the Complainant has used the mark INTERNATIONAL SCHOOL OF TEMPLE ARTS since 2007, that the mark is distinctive in nature, and that the mark has become known and associated with the Complainant within its field of activity. The Panel therefore finds that the Complainant has established common law or unregistered trademark rights in the mark INTERNATIONAL SCHOOL OF TEMPLE ARTS.

The Panel finds further that the disputed domain name is identical to the Complainant's trademark INTERNATIONAL SCHOOL OF TEMPLE ARTS and, therefore, that the first element under the Policy is satisfied.

B. Rights or Legitimate Interests

The Respondent uses the disputed domain name for a website upon which it publishes allegations of "alleged harms and abuses" perpetrated by the Complainant in the course of its business activities.

The use of a complainant's trademark in connection with a criticism website has been the subject of numerous prior decisions under the UDRP, the conclusions of which are summarized in section 2.6 of [WIPO Overview 3.0](#): "2.6 Does a criticism site support respondent rights or legitimate interests?" That section includes the following commentary:

"UDRP jurisprudence recognizes that the use of a domain name for fair use such as noncommercial free speech, would in principle support a respondent's claim to a legitimate interest under the Policy.

2.6.1 To support fair use under UDRP paragraph 4(c)(iii), the respondent's criticism must be genuine and noncommercial; in a number of UDRP decisions where a respondent argues that its domain name is being used for free speech purposes the panel has found this to be primarily a pretext for cybersquatting, commercial activity, or tarnishment.

2.6.2 Panels find that even a general right to legitimate criticism does not necessarily extend to registering or using a domain name identical to a trademark (i.e., <trademark> (including typos)); even where such a domain name is used in relation to genuine noncommercial free speech, panels tend to find that this creates an impermissible risk of user confusion through impersonation(...)

2.6.3 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."

In this case, the Panel accepts that the Respondent's criticism is noncommercial, in that the Respondent is not seeking financial gain from its activities, and that its criticism is "genuine", in the sense that criticism is the true purpose of its website and not merely a pretext for some ulterior purpose. The Panel notes, however, that it expresses no view on the veracity or otherwise of the Respondent's criticisms of the Complainant, which is a matter beyond the scope of this proceeding and not relevant to its outcome.

The disputed domain name is, however, identical to the Complainant's trademark INTERNATIONAL SCHOOL OF TEMPLE ARTS, and does not include any additional term (e.g., "sucks") that would indicate a lack of affiliation between the Complainant and the relevant website operator. On the contrary, the disputed domain name is inherently misleading, as inevitably suggesting to Internet users that it must be owned or operated by, or otherwise legitimately affiliated with, the Complainant. While the Respondent has argued that the Panel's approach should be flexible and encompass a holistic view, the Panel finds no reason in this case to depart from the established view that a domain name which effectively impersonates a trademark owner is impermissible for the purpose of a criticism site. While it is true that an Internet user accessing (at least the current version of) the Respondent's website will see that it is a criticism site, that does not change the fact that the user will only be there because of the misleading nature of the disputed domain name (what the Respondent itself acknowledges to constitute "initial interest confusion").

The Panel finds that an inherently deceptive domain name which impersonates the Complainant cannot give rise to rights or legitimate interests on the part of the Respondent, even in a case where the disputed domain name is genuinely being used for the purpose of a criticism site. The second element under the Policy is therefore established.

C. Registered and Used in Bad Faith

For similar reasons as outlined in connection with the second element under the Policy, above, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

The disputed domain name is identical to the Complainant's trademark INTERNATIONAL SCHOOL OF TEMPLE ARTS and therefore represents to Internet users that it must be owned or operated by, or otherwise legitimately affiliated with, the Complainant. That represents a deceptive use of the disputed domain name and therefore constitutes bad faith. Indeed, the Respondent specifically concedes that it chose the disputed domain name because no other domain name would have the same impact in attracting the Complainant's potential customers as the "obvious" ".com" domain name incorporating the Complainant's trademark.

While the Respondent is operating what appears to be a genuine criticism site and may well be motivated by what it believes to be in the public interest, that does not alter the fact that the disputed domain name creates an impermissible risk of user confusion through impersonation. .

The Panel therefore finds that the third element under the Policy is established.

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 <internationalschooloftemplearts.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: June 5, 2025