

ADMINISTRATIVE PANEL DECISION

Tiffany A. Henyard v. Keith Freeman, Tiffany Henyard
Case No. D2025-1603

1. The Parties

The Complainant is Tiffany A. Henyard, United States of America ("United States"), represented by Law Offices of Manotti L. Jenkins, LTD., United States.

The Respondent is Keith Freeman, Tiffany Henyard, United States.

2. The Domain Name and Registrar

The disputed domain name <onthamovepodcast.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 April 21, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 22, 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 (Keith Freeman) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 14, 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 amendment to the Complaint on May 18, 2025.

The Center verified that the Complaint and the amendment to 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 June 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 18, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on August 8, 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 an individual residing in a suburb of Chicago, Illinois, United States. She has served as the supervisor of Thornton Township since March 2022 and also served as mayor of the Village of Dolton, Illinois, from May 2021 to April 2025. Since February 2024, the Complainant has broadcast news, social commentary, and political opinions through her weekly “On Tha Move Podcast”, carried on several platforms and advertised on her social media accounts and on websites that initially promoted the Complainant and her activities. One of these websites was associated with the disputed domain name. Another was “www.onthamove.com” (registered on November 20, 2023, according to the registrar¹). Two other domain names were based on her name, “www.tiffanyhenyard.com” and “www.tiffanyhenyard.com” (registered respectively on January 5, 2024, and May 17, 2025). At the time of this Decision, the last of these domain names resolves to a landing page with pay-per-click (“PPC”) advertising links, while the others cited here do not resolve to active websites.

The Complainant claims common law trademark rights in her podcast names ON THA MOVE and ON THA MOVE PODCAST. The Complainant asserts that since 2024 an Illinois and national audience has come to associate the podcast name with her commentary and opinion through her podcasts and her participation in newsworthy events. In support, the Complaint attaches copies of 2024 and 2025 news articles, social media announcements, and a screenshot about her appearance on Chicago television.

On June 26, 2025, the two domain names, <tiffanyhenyard.com> and <onthamove.com>, were withdrawn from the current UDRP proceeding as the relevant registrars disclosed that they were registered by different registrants.

The disputed domain name was created on February 25, 2024, and is registered to the Respondent, Keith Freeman, listing his organization as “Tiffany Henyard”, with a postal address in the State of Illinois, United States and a contact email address given as “[xxx]@tiffanyhenyard.com”. The domain name used for the Respondent’s contact email, <tiffanyhenyard.com>, was formerly used for a website promoting the Complainant’s podcast and her work as mayor. That domain name was initially included in this proceeding, but it was withdrawn on July 31, 2025, given that it was deleted during the proceeding and thereby became available for registration, with the Complainant confirming control of it on July 28, 2025.

Screenshots from the Internet Archive’s Wayback Machine show that the disputed domain name <onthamovepodcast.com> was originally used to advertise the Complainant’s “On Tha Move Podcast”, a function it fulfilled until at least May 22, 2024. It does not appear that the disputed domain name has been associated with an active website since then.

According to the Complainant’s Affidavit, attached to the Complaint, the Respondent was formerly the administrator of the Village of Dolton when the Complainant served as mayor, and he registered the disputed domain name and others, including <tiffanyhenyard.com>, during that time. The Complainant states that she terminated the Respondent on three occasions because of his alleged “unauthorized use” of her name, but he was repeatedly rehired by the Village of Dolton board.

¹ Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in this proceeding. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 4.8.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the Complainant's podcast names, "On Tha Move Podcast" and "On Tha Move", with the former being identical to the disputed domain name, should be recognized as having acquired common law trademark rights because the podcast attracts a wide audience in Illinois and nationally. The Complainant asserts that the Respondent has no authorization to use the podcast names in the disputed domain name, has never used the disputed domain name, and there is no evidence of preparations to do so. The Complainant cites the Respondent's alleged misconduct when reporting to her as Village of Dolton administrator, including allegedly impersonating her in signing contracts and other documents, and suggests that the registration and use of the disputed domain name were similarly done in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. 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 the 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. Here, the disputed domain name is identical to the title of the Complainant's "On Tha Move Podcast".

However, the Complainant claims common law trademark rights in that title for a weekly podcast that began in February 2024, some eighteen months ago. While a mark in some cases may acquire rapid recognition online, the Complainant must offer evidence to support such a claim, such as proof of viewership. Most of the evidence of "media recognition" furnished with the Complaint consists of screenshots of event notices about the Complainant from her own social media pages – of those cited, they all show relatively modest numbers of "likes" (or similar), the highest being 360 (and that on a screenshot showing that the podcast is "coming soon"); if the reputation of the Complainant is that of a "rising star in American politics, social services, social commentary, community empowerment, and current events", the record simply does not reflect that, and in a case claiming unregistered rights, it is incumbent on the Complainant to provide adequate evidence of source-identification. The record is too thin to warrant a finding that the terms "On Tha Move" or "On tha Move Podcast" have acquired secondary meaning distinctly associated with the Complainant.

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

B. Rights or Legitimate Interests

Given the Panel's finding on the first element of the Policy, it is not necessary to enter a finding on the second element.

C. Registered and Used in Bad Faith

Given the Panel's finding on the first element of the Policy, it is not necessary to enter a finding on the third element. The Panel notes that the fact that the Respondent evidently worked for the Complainant at the time he registered the disputed domain name and initially used it to promote the Complainant's activities likely would have cast doubt on bad faith at the time of registration in any event. The Panel recognizes the Complainant's assertion that it had fired the Respondent on several occasions, but the Complaint is circular and conclusory as to the question of bad faith (i.e., no dates or particulars as to the supposed unauthorized use of the Complainant's name are provided) and does not answer the obvious question raised by the parties' relationship; as above, it is within the Complainant's power to provide specific details to make out its case, but it has not done so.

7. Decision

For the foregoing reasons, the Complaint is denied.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: August 22, 2025