

## **ADMINISTRATIVE PANEL DECISION**

Vereniging Cineville v. Graham Walker, LOTUS INTERNET LIMITED  
Case No. D2025-1736

### **1. The Parties**

The Complainant is Vereniging Cineville, Netherlands (Kingdom of the), represented by Chiever B.V., Netherlands (Kingdom of the).

The Respondent is Graham Walker, LOTUS INTERNET LIMITED, United Kingdom.

### **2. The Domain Name and Registrar**

The disputed domain name <cineville.vip> is registered with URL Solutions, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 30, 2025. On April 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 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 (Private Whois, Global Domain Privacy Services Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 May 6, 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 May 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 28, 2025.

Due to an apparent issue with the notification, on June 6, 2025, the Center granted the Respondent until June 7, 2025, to indicate whether the Respondent would like to participate in the proceeding. The Respondent did not submit any communication.

The Center appointed Kateryna Oliynyk as the sole panelist in this matter on June 16, 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 June 24, 2025, the Center received an email communication from an email address that, according to the Registrar verification, corresponded to the administrative contact of the disputed domain name, stating that they do not longer own the disputed domain name.

#### **4. Factual Background**

The Complainant offers a subscription service that grants unlimited access to films at participating cinemas via the Cineville Card ("Cineville Pas") for a fixed monthly fee. A companion mobile app lets users rate films, create watchlists, and stay updated through newsletters, schedules, and podcasts. The service's success stems from significant investment, marketing, and consistently high-quality offerings.

The Complainant's CINEVILLE trademark is protected under the following trademark registrations:

- Benelux Trademark Registration No. 855120 for CINEVILLE, registered on March 11, 2009, for goods and services in International Classes 09, 16, 36, 41;
- German Trademark Registration No. 302023119840 for CINEVILLE, registered on June 3, 2024.

The Complainant operates the website under the domain name <cineville.nl>.

The disputed domain name was created on August 22, 2024, and resolves to the commercial website which offers a subscription-based film discovery service, allowing users to explore a rotating selection of curated movies across various genres. The website at the disputed domain name refers to this service as "Cineville Pass". Through different tiers of the "Cineville Pass", members are granted unlimited access to a diverse and regularly updated film library, with a focus on content beyond typical streaming recommendations.

#### **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.

##### **Identical or Confusingly Similar**

The Complainant argues that the disputed domain name fully incorporates the CINEVILLE trademark, making it identical or at least confusingly similar. The use of the ".vip" suffix, which implies exclusivity and prestige, increases the likelihood of confusion, as consumers may perceive it as an official or premium extension of the Complainant's CINEVILLE trademark.

##### **Rights or legitimate interests**

The Complainant contends that the Respondent lacks any rights or legitimate interests in the disputed domain name.

According to the Complainant's contentions, the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services, and has not been authorized, licensed, or otherwise permitted by the Complainant to register the disputed domain name.

There is also no indication the Respondent is known under the disputed domain name, according to the Complainant. The Complainant further argues that the Respondent's use of the disputed domain name to offer competing services does not constitute a bona fide use.

### **Registration and Use in Bad Faith**

The Complainant contends that the disputed domain name is being used in an attempt to intentionally attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement.

The Complainant asserts that the Respondent had full knowledge of the Complainant's trademark and deliberately used the disputed domain name incorporating it to offer identical goods and services. This creates a misleading impression of origin or commercial affiliation with the Complainant. The Respondent's actions exploit and damage the distinctiveness and reputation of the well-known CINEVILLE trademark by copying the Complainant's concept and trading on its established goodwill.

The Complainant also argues that the consumers were directed to the disputed domain name and charges to their credit cards were done, even though some of these consumers did not subscribe to the offered service.

### **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions. On June 24, 2025, the Center received an email communication from an email address that, according to the Registrar verification, corresponded to the administrative contact of the disputed domain name, stating that they do not longer own the disputed domain name.

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

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

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

### **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.

The 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Moreover, the generic Top Level Domain ".vip" in the disputed domain name is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark.

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

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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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.

The Panel notes that there is no evidence that the Respondent is commonly known under the CINEVILLE trademark.

Further, the Panel notes that neither license nor authorization appears to have been granted to the Respondent to make any use of the Complainant's CINEVILLE trademark, or to apply for registration of the disputed domain name by the Complainant.

Panels have found that a respondent is not using a domain name for a bona fide offering of goods or services if it uses the name for competing services or to point to pay per click links diverting Internet users to a website competing with the complainant under its mark.

The similarity between an online movie theatre for which the disputed domain is used and the Complainant's subscription-based movie ticketing service lies in their core function of providing access to films for entertainment, and they both provide the access to the content for the same target audience to enhance their consumer experience under certain subscription/pass models. Moreover, the website on the disputed domain name offers a "Cineville Pass", and the Panel notes that the Complainant also offers its services through the use of a "Cineville Card" (in Dutch "Cineville Pas").

It is clear from the evidence that the Respondent has used the site attached to the disputed domain name for competing services which are not connected with the Complainant, that cannot amount to the bona fide offering of services.

The Respondent has not answered this Complaint and has not provided any legitimate reason why it chose to register the disputed domain name incorporating the Complainant's trademark . As such the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name and that the Complainant has satisfied the second limb of the Policy.

The use of the disputed domain name is commercial and so cannot be legitimate noncommercial fair use.

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.

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 Panel is satisfied that the Respondent must have been aware of the Complainant's CINEVILLE when it registered the disputed domain name. In accordance with section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant's CINEVILLE trademark in the disputed domain name creates a presumption of bad faith registration.

The Respondent, when registering the disputed domain name, has targeted the Complainant's business and its CINEVILLE trademark with the intention to confuse Internet users and capitalize on the fame of the Complainant's trademark for its own monetary benefit, by charging consumers of similar services. The fact that there is a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name is also a significant factor to consider that the disputed domain name was registered in bad faith (as stated in section 3.2.1 of the [WIPO Overview 3.0](#)).

Accordingly, the Panel holds that the Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website.

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 <cineville.vip> be transferred to the Complainant.

*/Kateryna Oliinyk/*

**Kateryna Oliinyk**

Sole Panelist

Date: June 30, 2025