

## **ADMINISTRATIVE PANEL DECISION**

Fox Media LLC v. moore noah

Case No. D2025-1866

### **1. The Parties**

The Complainant is Fox Media LLC, United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

The Respondent is moore noah, Nigeria.

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

The disputed domain name <foxcinema.studio> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 9, 2025. On May 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 12, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 the Respondent of the Complaint, and the proceedings commenced on May 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 11, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on June 19, 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 member of a large group of entertainment and media companies, which own and operate television and broadcast networks that distribute sports, entertainment and news.

The Complainant owns a large number of FOX trademarks around the world. Among many others, the Complainant is the registered owner of the United States Trademark Registration No. 4732170, registered on May 5, 2015, for FOX, claiming protection inter alia for various communication and broadcasting services as protected in class 38. In addition, the Complainant has established unregistered trademark rights as the FOX mark has extensively been used by the Complainant's predecessors since 1915.

The Complainant and its group members further own and operate various domain names incorporating the FOX trademark, such as <fox.com>, <foxnews.com> and <foxsports.com>.

The Respondent is reportedly located in Nigeria.

The disputed domain name was registered on April 23, 2024.

According to the evidence provided in the Complaint, the disputed domain name resolved to a website purportedly offering movie production and distribution services. As can be seen on the screenshots provided by the Complainant, the Respondent prominently used the FOX trademark as well as further copyright protected material of the Complainant and its group members on the website associated to the disputed domain name. By doing so, the Respondent created a look and feel as if the website is operated by the Complainant and/or its group members, without any visible disclaimer describing the (lack of) relationship between the Parties.

At the time of the Decision, the disputed domain name no longer resolves to an active website.

Furthermore, the Complainant provided unrebutted evidence that the Respondent has configured an MX (Mail Exchange) email server for the disputed domain name, which enables the Respondent to send and receive emails using the disputed domain name.

According to additional unrebutted evidence provided in the Complaint, the Respondent is offering the disputed domain name for sale on a sales platform at a price of USD 100,000.00.

#### **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.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistently with the consensus views stated therein.

#### **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 3.0](#), section 1.7.

The Complainant has shown registered and unregistered rights in respect of the FOX trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1 and 1.3.

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

Although the addition of other terms, here "cinema" may bear on assessment of the second and third elements, the Panel finds the addition of such a dictionary term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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. Particularly, the Complainant put forward that the Respondent is neither an authorized business partner of the Complainant nor a licensee of its FOX trademarks and that the Respondent is not commonly known by the terms “fox cinema” or any other similar terms. 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.

Even more, the Panel has no doubt that the Respondent was well aware of the Complainant and its FOX trademark before registering and using the disputed domain name. The Panel particularly notes that the nature of the disputed domain name along with the design and content of the associated website (prominently reproducing the Complainant’s FOX trademark and allegedly offering movie production and distribution services), indicates the Respondent’s illegitimate intention to mislead Internet users in their belief that the services purportedly offered on the associated website are endorsed by the Complainant. This is in view of the Panel an attempt to impersonate the Complainant, which results in an illegitimate use that can never confer rights or legitimate interest on a 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.

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.

In the present case, the Panel is convinced that the Respondent must have had the Complainant and its FOX trademark in mind when registering the disputed domain name. It is obvious to the Panel that the Respondent has deliberately chosen the disputed domain name to target and mislead third parties. Consequently, the Panel is convinced that the Respondent has registered the disputed domain name in bad faith.

With respect to the use of the disputed domain name, the Panel notes that the disputed domain name resolved to a website deliberately creating the false impression to be operated by the Complainant.

Panels have held that the use of a domain name for illegitimate activity, here impersonation, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In addition, the Panel believes that the active MX email server for the disputed domain name creates a real or implied ongoing threat to the Complainant, since the inherently misleading disputed domain name, even if currently not associated to an active website, may be used by the Respondent to mislead third parties in their false belief that any email sent from the disputed domain name originates from the Complainant, likely for phishing or other fraudulent activities.

Additionally, the Panel notes that the Complainant has provided unrebutted evidence showing that the disputed domain name is offered for sale by the Respondent on a sales platform to a price most likely far beyond documented out-of-pocket expenses for the registration of the disputed domain name. In view of the Panel, this demonstrates the Respondent’s opportunistic bad faith to also utilize the disputed domain name for illegitimate commercial purposes.

The fact that the disputed domain name currently not resolves to an active website does not prevent a finding of bad faith.

All in all, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The Panel is even convinced that this is a typical cybersquatting case, which the UDRP was designed to stop.

Accordingly, 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 <foxcinema.studio> be transferred to the Complainant.

/Kaya Köklü/

**Kaya Köklü**

Sole Panelist

Date: July 3, 2025