

ADMINISTRATIVE PANEL DECISION

Aubrey Drake Graham and Frozen Moments, LLC v. Host Master, Njalla Okta LLC

Case No. D2025-2141

1. The Parties

The Complainants are Aubrey Drake Graham and Frozen Moments, LLC, United States of America ("United States"), represented by Russ August & Kabat, United States.

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <drakebet.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 30, 2025. On June 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 2, 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) and contact information in the Complaint. The Center sent an email communication to the Complainants on June 3, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on June 3, 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 June 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 1, 2025.

The Center appointed Manuel Moreno-Torres as the sole panelist in this matter on July 3, 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 Aubrey Drake Graham ("Drake") is a recognized music artist, performer, producer, and entrepreneur taking his first steps in the artistic world in the early 2000s.

Drake has received four Grammys, has been nominated for 47, and is the winner of 12 Billboard music awards in 2019.

Frozen Moments LLC is a limited liability company owned and controlled by Drake and is the owner before the United States Patent and Trademark Office for DRAKE trademark with registration number 4.002.998 registered on July 26, 2011 and DRAKE trademark with registration number 3.986.341 registered on June 28, 2011.

The Panel recognizes the distinctive and well-known character of the Complainant's DRAKE trademark.

The Complainant Drake has been involved in various business ventures. As such, a clothing company called October's Very Own whose logo is a distinctive owl.

The disputed domain name was registered on May 27, 2016 and redirects to a website with animated drawings that look alike the Complainant Drake and, reproduces the owl logo referred previously as well as Drake's signature.

The Respondent is a serial cybersquatter, having been found to have registered and used many other domain names in bad faith. By way of example, see *ONCOPACA-CORSE v. Host Master, Njalla Okta LLC*, WIPO Case No. [D2024-5152](#).

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name comprises DRAKE trademark and none of the circumstances depicted in paragraph 4(c) of the Policy applies in this case.

Besides, the Respondent is using the disputed domain name for commercial gain to attract users to the Respondent's website by creating a likelihood of confusion with the Complainants' marks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service that the Respondent provides or intends to provide on its website.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel 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 was registered and is being used in bad faith.

There are no exceptional circumstances within paragraph 5(f) of the Rules to prevent the Panel from determining the dispute based upon the Complaint, notwithstanding the failure of the Respondent to file a Response. Under the paragraph 14(a) of the Rules in the event of such a “default” the Panel is still required to proceed with a decision on the Complaint, whilst under paragraph 14(b) it “shall draw such inferences therefrom as it considers appropriate”. This dispute resolution procedure is accepted by the domain name registrant as a condition of the registration.

A. Consolidation of the Complainants

The Panel looks at section 4.11.1 of the [WIPO Overview 3.0](#): a complaint may be brought by multiple complainants where (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion; and (ii) it would be equitable and procedurally efficient to permit the consolidation.

In this case since Frozen Moments, LLC is owned and controlled by Drake therefore, the Complainants are linked to each other and have a common interest in DRAKE trademarks.

Besides, the Panel finds that by filling this procedure the parties are expressing common grievance against the Respondent since his conduct affects their rights.

The default of the Respondent allows the Panel to conclude that, in the circumstances of this case, it would be procedurally efficient and equitable for the Complainants to be consolidated.

Accordingly, and based on paragraph 10(e) of the Rules, the Panel accepts the consolidation of the Complainants in this proceeding.

B. 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 Complainants have 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, “bet” may bear on assessment of the second and third elements, the Panel finds the addition of such 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.

C. 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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants’ 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 accepts the Complainants’ allegations that none of the circumstances depicted in paragraph 4(c) of the Policy applies in this case.

Panels have held that the use of a domain name for an illegal activity here, claimed as applicable to this case: impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Indeed, by reproducing Complainants’ DRAKE trademark in the disputed domain name and reproducing through drawings the faithful image of “Drake” or his signature in the corresponding website, gives rise to confusing and purportedly scam the Internet users by impersonating the Complainants.

The Panel finds the second element of the Policy has been established.

D. 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 the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainants’ marks.

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.

As noted above, Panels have held that the use of a domain name an illegal activity here, claimed as applicable to this case: impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Besides, all the circumstances of the case lead the Panel to the conclusion that the Respondent was aware of the Complainants’ trademark registrations and rights to the DRAKE trademark when he registered the disputed domain name since it contains the Complainants’ registered DRAKE trademark in its entirety, while the Respondent has no authorization. Moreover, the disputed domain name resolves to a website where other Complainants’ rights are reproduced. As such, his image, signature or a logo belonging to a third business of the Complainants. Therefore, the Panel understand that it is more likely than not that the Respondent knew the Complainants when registering the disputed domain name.

Lastly, the lack of credible explanation for the Respondent's choice of the disputed domain name coupled with his previous cybersquatter cases support a finding of bad faith registration and use of the disputed domain name.

The Panel finds that the Complainants have 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 <drakebet.com> be transferred to Complainant Aubrey Drake Graham.

/Manuel Moreno-Torres/

Manuel Moreno-Torres

Sole Panelist

Date: July 21, 2025