

ADMINISTRATIVE PANEL DECISION

DP Media Network, LLC v. Neale Whittaker
Case No. D2025-2146

1. The Parties

The Complainant is DP Media Network, LLC, United States of America ("United States"), represented internally, United States.

The Respondent is Neale Whittaker, United States.

2. The Domain Name and Registrar

The disputed domain name <denverpostmedia.com> 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 31, 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 that differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 3, 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 June 4, 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 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 27, 2025.

The Center appointed Steven Auvil 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 is the owner and publisher of the Denver Post print newspaper circulated throughout Colorado, United States, and also through online content through its website <denverpost.com>.

The Complainant also operates and maintains an advertising division, Denver Post Media, that performs content marketing, paid search, display, email, social, mobile, video, and other advertising services through its website <denverpostmedia.com>, first registered by the Complainant on September 10, 2019. The Complainant owns the United States Trademark Registration No. 5254460 for DENVER POST MEDIA, registered August 1, 2017.

The Respondent registered the disputed domain name on May 5, 2025. According to the Complaint, the Respondent did so to deceive the Complainant's customers for financial gain. Specifically, the Respondent used the disputed domain name as part of an email scheme to impersonate the Complainant's employees and fraudulently obtained payments totaling USD 66,567.85 through the creation of one-time payment links.

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.

The Complainant first contends that the disputed domain name is substantially similar to the Complainant's DENVER POST MEDIA mark in that the disputed domain name replaces the letter "i" in "media" with a lowercase letter "l", to form the nonce word "medla." The Complainant alleges that the Respondent's registration of the dispute domain name represents an attempt to mimic the Complainant's DENVER POST MEDIA name, constituting typosquatting.

Next, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. Specifically, the Complainant contends that the Complainant has not licensed or otherwise permitted the Respondent to use its DENVER POST MEDIA mark, nor has the Complainant ever licensed or otherwise authorized the Respondent to apply for or use any domain name incorporating the Complainant's DENVER POST MEDIA mark. Further, the Complainant alleges that the Respondent is not now, nor has it ever been commonly known by the disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant alleges that the Respondent obtained the disputed domain for the sole purpose of deceiving the Complainant's customers and vendors and profiting from such deception. Specifically, the Complainant contends that the disputed domain name was used in a scheme to siphon USD 66,567.85 from unsuspecting customers using fraudulent email addresses impersonating the Complainant's employees.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: “[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 to obtain relief:

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

In view of the Respondent’s failure to submit a Response, the Panel is entitled to accept as true the allegations set forth in the Complaint (unless the evidence is clearly contradictory), and to derive reasonable inferences from the evidence presented.

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the allegations and evidence contained in the Complaint, and reasonable inferences drawn from the evidence presented.

A. Identical or Confusingly Similar

It is well established 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. As set forth in [WIPO Overview 3.0](#), section 1.9, a “domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar.” Additionally, as set forth in section 1.11.1 of the [WIPO Overview 3.0](#), the applicable generic Top-Level Domain (“gTLD”) (e.g., “.com”) is viewed as a standard registration requirement and as such is typically disregarded under the first element’s confusing similarity test. As such, the use of “.com” gTLD in the disputed domain name has no bearing on the confusing similarity analysis.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy as the Complainant owns a trademark for DENVER POST MEDIA. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name consists of the entirety of the Complainant’s DENVER POST MEDIA mark with the replacement of the letter “i” with the letter “l”. The Complainant argues that this is an obvious or intentional misspelling of its mark and thus constitutes typosquatting. Typosquatted domain names are intended to be confusing so that Internet users who unwittingly enter the typosquatted domain name instead of the correctly spelled trademark. See *Muitas Ltd v. Domain Administrator, Sugarcane Internet Nigeria Limited and Milen Radumilo*, WIPO Case No. [D2022-4978](#); *Synopsys, Inc. v. Jay Athey*, WIPO Case No. [D2024-0972](#). Both the mark and the disputed domain name include the words “denver” and “post” and together they represent a dominant feature of both the DENVER POST MEDIA mark and the disputed domain name. Moreover, the replacement of the letter “i” with the letter “l” in “media” in the disputed domain name does not avoid confusing similarity and, indeed, the mark and disputed domain name are visually similar.

The Panel therefore 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. Such circumstances include:

- (i) before any notice of the dispute, the Respondent used, or prepared to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services;
- (ii) the Respondent (as an individual, business, or other organization) is commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or tarnish the trademark or service mark at issue.

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 the production of information that is often primarily within the knowledge or control of the respondent. Considering this difficulty, 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.

In this dispute, it is evident that the Respondent seeks to mislead Internet users expecting to find the Complainant via the disputed domain name. In view of its use of the disputed domain name to fraudulently solicit payments from the Complainant’s unsuspecting customers, the Respondent lacks any rights or legitimate interests in the disputed domain name. Thus, the Panel finds that the Complainant has made out a prima facie case that the Respondent lacks any right or legitimate interests in the disputed domain name. Further, the Respondent has not come forward with relevant evidence to rebut the Complainant’s prima facie showing.

Under the circumstances, the Panel finds that the Respondent in fact has no rights or legitimate interests in the disputed domain name and therefore that the second element of paragraph 4(a) of the Policy is satisfied.

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 that, if found by the Panel to be present, is 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 concludes that the Respondent registered and used the disputed domain name in bad faith.

The disputed domain name incorporates the entirety of the Complainant’s registered and well-known DENVER POST MEDIA mark with the exception of an apparent typo, changing the letter “i” in media” to a letter “l.” Further, the Panel finds that the Respondent has used the disputed domain name to impersonate the Complainant and defraud its customers into believing that the Respondent is affiliated with the Complainant, resulting in financial loss to deceived customers. Panels have held that the use of a domain name for illegal activity, here impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Considering these circumstances, including the failure of the Respondent to respond to the Complaint, the Panel finds that the Respondent knew of the Complainant's DENVER POST MEDIA mark at the time of registering the disputed domain name and used the disputed domain name to unfairly capitalize on the mark for commercial gain.

The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith and 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 <denverpostmedla.com> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: July 17, 2025