

ADMINISTRATIVE PANEL DECISION

Tele Monte-Carlo v. Carson Rice, Streamflixllc
Case No. D2025-2178

1. The Parties

The Complainant is Tele Monte-Carlo, Monaco, represented by AARPI Scan Avocats, France.

The Respondent is Carson Rice, Streamflixllc, United States of America ("United States").

2. The Domain Names and Registrar

The disputed domain names <tmstreamtv.com> and <tmstreamtv.online> are registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 6, 2025. On June 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 6, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which 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 12, 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 18, 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 22, 2025.

The Center appointed Mihaela Maravela as the sole panelist in this matter on July 25, 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

According to information in the Complaint, the Complainant, known as “TMC”, is a leading company in the field of TV entertainment channels in Monaco and France. The TMC channel was launched in 1954 and was the second private television channel in Europe. In 1997, TMC covered France through local transmitters and ranked major programs (such as the Monaco Grand Prix and princely ceremonies) among the top three cable and satellite channels. TMC channel is now part of the French Group TF1. The TMC channel was the subject of an exhibition presented at the Audiovisual Institute of Monaco until January 31, 2025, celebrating the first 20 years of the TMC channel.

The Complainant is the holder of a number of trademarks for TMC, including the following:

- the French Registration No. 3367681 for trademark TMC (figurative), registered on June 29, 2005, and covering goods and services in Classes 16, 18, 25, 38, and, 41;
- the International Trademark Registration No. 1032728 for trademark TMC (figurative), registered on April 6, 2009, and covering goods and services in Classes 9, 16, 35, 38, 41, 42 and, 45;
- the International Trademark Registration No. 1020685 for trademark TMC, registered on April 6, 2009, and covering goods and services in Classes 9, 16, 35, 38, 41, 42 and, 45.

The Complainant is also the owner of the domain name <tmc.tv>, which was registered on February 4, 2002 and which it uses for its activities.

The disputed domain names were registered on March 13, 2025 and according to evidence with the Complaint, they were used prior to the Complaint to redirect to a streaming page offering streaming movies, reproducing the Complainant's TMC trademark. Further to the Complainant sending notices to the hosting provider, both websites were blocked, and the disputed domain names are currently inactive (as they were at the date of the Complaint).

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 names.

Notably, the Complainant contends with respect to the first element of the Policy that the disputed domain names are confusingly similar to its domain name and trademarks, as the disputed domain names incorporate the Complainant's TMC trademark in its entirety. They only differ from the Complainant's trademarks by the addition of the generic terms “stream” and “tv”, which do not eliminate the confusing similarity between the Complainant's registered prior rights and the disputed domain names.

As regards the second element, the Complainant argues that the Respondent has no relationship with the Complainant, the Complainant has never licensed, authorized, or otherwise permitted the Respondent to register a domain name incorporating its trademarks, nor to make any use of its trademarks in order to distinguish its own business. The Respondent is not known under the name TMC and does not own any trademark under this name. The websites operated under the disputed domain names used to direct to a streaming page offering illicit streaming movies, reproducing the TMC trademarks of the Complainant. The Complainant concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

With respect to the third element, the Complainant argues that it is highly unlikely that the Respondent ignored the existence of the Complainant and its trademarks when it registered the disputed domain names because of their confusing similarity with the Complainant's trademarks, the reputation of the TMC trademarks, and the fact that the words "stream" and "tv" are purely descriptive of the Complainant's services as they refer to the TV shows broadcasted by the Complainant, which is a tv channel. As regards the use, as described above, the disputed domain names were used by the Respondent to redirect users to a page reproducing the Complainant's trademarks and offering streaming content, which is directly related to the Complainant's field of activity. In conclusion, the disputed domain names were registered and are used in bad faith by the Respondent.

B. Respondent

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

6. Discussion and Findings

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are 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 names, and (iii) the disputed domain names have been registered and are being used in bad faith.

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 rights in respect of the trademark TMC 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 names. Accordingly, the disputed domain names are 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, "stream" and "tv") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel agrees that the Top-Level Domain ("TLD") ".online", respectively ".com" is disregarded in the confusing similarity test, as it does not form part of the comparison as it is a standard registration requirement for technical reasons. [WIPO Overview 3.0](#), section 1.11.1.

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 names. 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 names such as those enumerated in the Policy or otherwise.

There is no evidence that the Respondent is using the disputed domain names in connection with a bona fide offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain names within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. Rather, according to the unrebutted evidence with the Complaint, the disputed domain names resolved to a website featuring the Complainant’s trademark, and a similar logo, and offering access to the competing services to those of the Complainant. Also, the websites featured a login page requesting personal data as username and password to log in. Such use does not in the circumstances of this case give rise to any rights or legitimate interests on the Respondent’s part.

Also, there is no evidence that the Respondent is commonly known by the disputed domain names within the meaning of paragraph 4(c)(ii) of the Policy, given also that TMC is the distinctive part of the disputed domain names, while “stream” and “tv” are descriptive of the services offered by the Complainant.

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.

The Complainant has submitted evidence of extensive use and coverage in the media and on social media platforms of its TMC trademarks. The Panel finds it unlikely that the disputed domain names were registered without knowledge of the Complainant and its TMC trademark, given the reputation of the Complainant, long use of its trademarks and the composition of the disputed domain names, which includes the TMC trademark and the terms “stream” and “tv” which are descriptive of the Complainant’s business. Also, the disputed domain names resolved to websites displaying the Complainant’s trademark and a similar logo, and offering competing services to those of the Complainant.

As regards the use of the disputed domain names, the Panel accepts the Complainant's evidence (i.e., screenshots of the websites to which the disputed domain names reverted), which the Respondent has not disputed, that the Respondent used the disputed domain names to resolve to websites featuring the Complainant's TMC trademark and offering competing services, also requesting personal data as username and password to log in. Such use is likely to mislead Internet users looking for the Complainant's products or services. Accordingly, the Panel finds that, by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

As regards the fact that the disputed domain names are currently inactive, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain names, and the prior use of the disputed domain names, and finds that in the circumstances of this case the current passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

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 names <tmcstreamtv.com> and <tmcstreamtv.online> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: August 8, 2025