

ADMINISTRATIVE PANEL DECISION

Rumours ATL LLC v. Mckenzie Zimmerman
Case No. D2025-2302

1. The Parties

The Complainant is Rumours ATL LLC, United States of America ("United States"), represented by Troutman Pepper Locke, United States.

The Respondent is Mckenzie Zimmerman, United States.

2. The Domain Name and Registrar

The disputed domain name <rumoursatl.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 12, 2025. On June 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 17, 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 (Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 23, 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 25, 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 July 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on August 7, 2025.

The Center appointed Ingrida Kariņa-Bērziņa as the sole panelist in this matter on August 14, 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 a rock band based in Atlanta, Georgia, United States, that performs the music of the well-known British-American band Fleetwood Mac under the name “Rumours ATL”, in which it claims unregistered trademark rights based on use dating from 2014. The Complaint states that the band has performed hundreds of concerts in the United States and internationally, which have also been extensively viewed live and online.

According to the Complaint, the Respondent was formerly a singer with the band and registered the disputed domain name on January 15, 2016, during her term as a singer with the Complainant’s band. The Respondent left the band on or about March 6, 2025. The band replaced the Respondent with another singer and continues to perform as “Rumours ATL”.

During the time that the Respondent was a member of the band, the disputed domain name was used to host the primary website of the “Rumours ATL” band. For a time after the Respondent left the band, it redirected to a third-party website displaying content related to adult entertainment, and later resolved to a registrar site indicating its availability for purchase for USD 3,000. At the time of this Decision, it resolved to a registrar site with pay-per-click (“PPC”) links and a link to purchase the dispute domain name.

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.

Notably, the Complainant contends that, formed in 2014, “Rumours ATL” is a well-known tribute band that has performed together with the Atlanta Symphony Orchestra and at famous United States venues such as Graceland in Memphis, Tennessee, and the Disney Epcot Center. The Complainant will perform over 80 live shows in 2025 and has a significant social media presence. When the Respondent left the band, the Complainant requested the disputed domain name and the Respondent claimed not to have control of it, which the Complainant believes to be untrue. The disputed domain name is identical to the Complainant’s RUMOURS ATL mark, in which the Complainant has invested significantly and which has acquired strong commercial distinctiveness as an indication of origin. The Respondent registered the disputed domain name solely within her authority as a member of the band but she is no longer affiliated with it and has not acquired any rights in the RUMOURS ATL mark. The Respondent was aware of the Complainant’s rights in the RUMOURS ATL mark at the time that she registered it in the position of a band member. Her actions after leaving the band include adding authentication and redirecting some visitors to adult websites, in addition to offering it for sale for 3,000 USD. The Respondent is tarnishing the Complainant’s mark. Her refusal to cooperate and use of a privacy shield further indicate bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (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 Respondent has registered and is using the disputed domain name in bad faith.

Under 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”.

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 Panel finds the Complainant has established unregistered rights for purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. The Panel finds that the Complaint establishes that the RUMOURS ATL mark demonstrates source-identifying capacity through its extensive use in commerce as a designation of source. The record contains evidence that the mark has been in use since 2014 and that the Complainant has extensively performed under the RUMOURS ATL mark and has promoted this mark.

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.

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, namely:

”Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

- (i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.” (Policy, paragraph 4(c)).

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.

Following established UDRP practice, the Panel will assess claimed respondent rights or legitimate interests in the present, i.e., with a view to the circumstances prevailing at the time of the filing of the complaint. [WIPO Overview 3.0](#) section 2.11. The Panel notes that the circumstances were entirely different at the time that the disputed domain name was registered, which will be discussed below.

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 the composition of the disputed domain name, which is identical to the Complainant's RUMOURS ATL mark. The Panel further notes that, at the time of the Complaint, the Respondent was no longer a member of the Complainant's band. After the Respondent left the band, the disputed domain name redirected to an adult-entertainment site and was later offered for sale for USD 3,000. There is no evidence that the Respondent is using the disputed domain name in a way that could provide a basis for finding that she currently has rights and legitimate interests in it, such as those set forth in the [WIPO Overview 3.0](#), sections 2.2 and 2.3.

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

C. Registered and Used in Bad Faith

The record is clear that the Respondent has not cooperated with the Complainant, which is the holder of the RUMOURS ATL mark, after leaving the band in March 2025. The Panel notes the Respondent's conduct at that time demonstrates bad faith as regards the disputed domain name. In particular, using the disputed domain name, which is identical to the Complainant's mark, to redirect to an adult entertainment site and offering it for sale. See [WIPO Overview 3.0](#), sections 3.1 and 3.1.1.

Satisfying the third element of the UDRP, however, requires showing both bad faith registration and use of the disputed domain name. The Panel finds that the evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark. As the Complaint itself states, the Respondent registered the disputed domain name in 2016 in her capacity as a band member, with the knowledge and agreement of the Complainant. The disputed domain name was used for nearly a decade for the Complainant's official band website. The evidence does not indicate that there was any dispute between the Parties about the Respondent's actions at the point of registration.

Consistent with UDRP practice, the Panel finds that the Respondent's present conduct cannot be imputed retroactively to the time of registration. There is nothing in the record to indicate that the Respondent registered the disputed domain name with the intention of diverting Internet users away from the Complainant or in some way harming the Complainant several years later. See, for example, *Savoia NYC Incorporated v. Parris Mayhew*, WIPO Case No. [D2021-0225](#). See [WIPO Overview 3.0](#), sections 3.8 and 3.2.

Accordingly, the Panel determines that Complainant has failed to demonstrate that Respondent registered and is using the disputed domain name in bad faith.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Ingrīda Kariņa-Bērziņa /

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: August 28, 2025