

ADMINISTRATIVE PANEL DECISION

The Lumineers, LLC v. Stanislav Gershenovich
Case No. D2025-2389

1. The Parties

The Complainant is The Lumineers, LLC, United States of America (“United States”), represented by Creative Law Network, LLC, United States.

The Respondent is Stanislav Gershenovich, United States.

2. The Domain Name and Registrar

The disputed domain name <thelumineerstour.biz> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 17, 2025. On June 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 18, 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 Purposes, 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 19, 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 June 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 23, 2025.

The Center appointed William F. Hamilton 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

The Complainant, sometimes referred to herein as the “Band,” is a well-known “folk-pop” musical group. The Band has had three top albums on Billboard, performed hundreds of shows for millions of fans worldwide, been nominated for two GRAMMY awards, appeared on network and cable television multiple times, and sold millions of albums in both digital and physical formats. Currently, the Band is on its “Automatic World Tour,” visiting many North American venues. Fans can buy tickets for the Band’s performances through the Band’s website at “www.thelumineers.com”. The website lists the concert venues. Clicking on the “Tickets” button for a specific concert redirects to Ticketmaster, where tickets for the Band’s concert can be purchased.

The Respondent registered the disputed domain name on February 25, 2025. The disputed domain resolves to a website that features a large picture of the Band performing live, describes “The Lumineers Tour 2026,” and lists actual Band 2025 concert venues. The Panel notes that the reference to “2026” on the Respondent’s website appears to be a typographical error. At the Respondent’s website, when a visitor clicks on the “Tickets” button for a specific concert, they are redirected to TicketNetwork, a ticket-selling platform for purchasing tickets to the Band’s concert. The tickets available on TicketNetwork are valid and may be priced higher than those purchased through Ticketmaster. Presumably, the Respondent earns click-through fees or has another financial relationship with TicketNetwork. The disputed domain and its website content seem to belong to a category of websites known as “white label.”

The Complainant owns numerous registrations for the trademark THE LUMINEERS (the “Mark”) around the world, including, but not limited to, the following United States Trademark Registrations:

- No. 6116205, registered on August 4, 2020,
- No. 6116204, registered on August 4, 2020,
- No. 4406893, registered on September 24, 2013,
- No. 4406895, registered on September 24, 2013,
- No. 4406896, registered on September 24, 2013
- No. 5068636, registered on October 25, 2016,
- No. 5068637, registered on October 25, 2016, and
- No. 5224267, registered on June 13, 2017.

5. Parties’ Contentions

A. Complainant

The Complainant further contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant argues that the disputed domain name is confusingly similar to its Mark because the Mark is identifiable within the disputed domain name. The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, and there is no evidence indicating that the Respondent is commonly known by that name. Additionally, the Complainant states that the Respondent is neither a licensee nor affiliated with the Complainant in any way. Furthermore, the Complainant claims it has not authorized the Respondent to use the Mark. Moreover, the Complainant argues that the disputed domain name was registered and used in bad faith for commercial gain, misleading Internet users into believing that the Complainant endorses, is connected to, or sponsors the Respondent’s website and its

content. According to the Complainant, this conduct intentionally misleads Internet users into thinking they are engaging with an official source and diverts potential customers from the Complainant's authorized ticket channels, undermining the Complainant's ability to control the quality and pricing of its offerings.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements that a complainant must satisfy to succeed. The Complainant must satisfy that:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of such domain name; and

(iii) the domain name has been registered and is 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 of WIPO Panel Views on Selected UDRP Questions ([WIPO Overview 3.0](#)), section 1.7.

The Complainant has shown rights in respect to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the Mark is recognizable within the disputed domain name. The disputed domain name consists of the Mark followed by the term "tour." The disputed domain name is thus confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although adding terms and letters to the disputed domain name may influence the analysis of the second and third elements, the Panel concludes that including the word "tour" in the disputed domain name 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.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's Mark for the purposes of the Policy.

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 the 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. 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 Respondent's use of the disputed domain name further supports the Complainant's position. It directs to a website designed to look associated with the Complainant, prominently displaying the Complainant's Mark and guiding visitors to third-party ticketing services. While panels have consistently recognized limited rights for resellers or distributors to nominally use a trademark for its source-identifying function, such fair use is qualified under the so-called "Oki Data" test. In this case, even if the tickets offered through the Respondent's services are valid, this does not establish any Respondent rights or legitimate interests, given that the website operator is not identified and the website content avoids identifying or disclaiming a relationship with the Complainant.

Under the facts and circumstances of this case, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

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

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following scenarios:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel finds that paragraph 4(b)(iv) squarely applies here. The Respondent was clearly aware of the Complainant's well-known Mark and its associated goodwill when registering the disputed domain name. The disputed domain name is designed to mislead Internet users into believing they are visiting an official site connected with the Complainant's tour. The Respondent prominently features the Complainant's Mark and related imagery on its website without any disclaimer of affiliation and uses the domain name to redirect consumers to a third-party ticketing platform.

The Respondent's bad faith is not diminished by the fact that the tickets offered through TicketNetwork may be valid. Panels have consistently ruled that using a complainant's trademark for a website creating a misleading impression of endorsement by the Complainant and redirecting consumers to unauthorized or competing sales channels – regardless of the legitimacy of the goods or services – does not establish rights or legitimate interests and constitutes bad faith use.

Accordingly, the Panel concludes that the Respondent intentionally registered and is using the disputed domain name to attract Internet users for commercial gain by exploiting the likelihood of confusion with the Complainant's Mark. This constitutes bad faith registration and use under the Policy.

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

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 <thelumineerstour.biz> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: August 6, 2025