

ADMINISTRATIVE PANEL DECISION

The Lumineers, LLC v. Stanislav Gershenovich
Case No. D2025-2390

1. The Parties

Complainant is The Lumineers, LLC, c/o Creative Law Network, LLC, United States of America (“United States”).

Respondent is Stanislav Gershenovich, United States.

2. The Domain Name and Registrar

The disputed domain name <thelumineerstour2027.com> 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on June 19, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. 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 Respondent of the Complaint, and the proceedings commenced on July 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 23, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 30, 2025.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on August 8, 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

Complainant is a well-known indie musical group that has performed and recorded extensively for many years, winning several major awards and recognitions.

Complainant owns many registrations globally for the trademark THE LUMINEERS including, for example: United States Trademark Registration No. 6116205, registered on August 4, 2020; United States Registration No. 6116204, registered on August 4, 2020; and United States No. 5068637, registered on October 25, 2016.

The disputed domain name was registered March 28, 2025. It currently resolves to a website promoting Complainant's band and listing musical tour dates, with click-through links to a third-party ticket seller offering tickets for the band's 2025 tour.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that Respondent has no authorization to use Complainant's marks and that Respondent is profiting by promoting ticket sales by a third party. Since the third-party ticket seller is not the authorized channel used by Complainant to sell tickets, Complainant avers that "Respondent is profiting from directing potential purchasers to websites reselling tickets to [Complainant's] performances at an increased price, often known as 'scalping'. Respondent is diverting user traffic intended for legitimate sale of tickets to Complainant's performances..."

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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.

Complainant has 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, "tour2027") 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that the first element of paragraph 4(a) 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.

Complainant has produced credible, unopposed evidence that the disputed domain name is being used without authorization to promote third-party ticket sales, and avers that these sales are diverting Internet users from Complainant’s own website and authorized channels for ticket purchases.

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 also infers that Respondent receives revenue when Internet users click on the tour links, and finds that, under these circumstances, such use of the disputed domain name cannot be bona fide.

The Panel finds that the second element of paragraph 4(a) 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.

In the present case, Respondent was obviously aware of Complainant’s long-established marks, registered the confusingly similar disputed domain name without authorization by Complainant, and sought to exploit them for commercial gain.

In the Panel’s view, it is beyond question that by posting click-through links to a third-party ticket seller for Complainant’s concerts, Respondent has “intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with [... Complainant’s] mark,” a clear instance of bad faith outlined under Policy paragraph 4(b)(iv).

Just a few days ago, Respondent was also found to have engaged in nearly identical bad faith registration and use of Complainant’s trademarks by another panelist in a separate proceeding. *The Lumineers, LLC v. Stanislav Gershenovich*, WIPO Case No. [D2025-2389](#) (<thelumineerstour.biz>; transfer). Respondent’s decision to refrain from submitting a response to these proceedings and failure to provide accurate contact details in compliance with his agreement with the Registrar are further evidence of bad faith.

The Panel finds that Complainant has established the third element of paragraph 4(a) 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 <thelumineerstour2027.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: August 15, 2025