

ADMINISTRATIVE PANEL DECISION

Vizio, Inc v. Alice Dixsonau, Zone Desire
Case No. D2025-2484

1. The Parties

The Complainant is Vizio, Inc, United States of America ("United States" or "US"), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondents are Alice Dixsonau, United States and Zone Desire, United States .

2. The Domain Names and Registrar

The disputed domain names <viziosetup.com> and <viziottvsetup.com> 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 24, 2025. On June 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 25, 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 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 25, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on July 3, 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 Respondents of the Complaint, and the proceedings commenced on July 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2025. The Respondents sent email communications to the Center on June 25 and on July 7, 2025. The Center notified the Parties of the commencement of Panel appointment process on July 29, 2025.

The Center appointed Phillip V. Marano as the sole panelist in this matter on August 6, 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 an American designer and manufacturer of smart televisions and sound bars that was founded in 2002. The Complainant offers information about its goods and services on its official website at “www.vizio.com”, as well as a dedicated page at “www.vizio.com/setup” to link customer televisions to their accounts. The Complainant owns valid and subsisting registrations for the VIZIO trademark in numerous countries, including VIZIO (US Reg. No. 3,235,417) in the United States, registered on April 24, 2007, with the earliest priority dating back to March 31, 2004.

The Respondents registered the <viziosetup.com> and <viziotvsetup.com> disputed domain names on December 25, 2023, and February 25, 2025, respectively. At the time of this Complaint, the disputed domain names both resolved to substantially similar website content titled “Vizio Setup” and “Vizio TV Setup”. Each website contains: (i) a favicon that mimics the design trademark and favicon of the Complainant; (ii) ostensible information on how to unbox, install, connect, setup, register, navigate, and troubleshoot a new Vizio television; (iii) paid affiliate advertisements that hyperlink to the Complainant’s website, as well as third-party competitors of the Complainant, which read “Chat with an expert online now; a technician will answer your questions in minutes”; and (iv) the <viziotvsetup.com> disputed domain name contains a disclaimer which reads, “We are not affiliated with Vizio, nor do we represent or speak on behalf of the company. The content on this site is independently created and is not endorsed by Vizio or any other entity. We strive to keep our guides up-to-date and accurate, but technology changes rapidly. Therefore, it’s always a good idea to consult your TV’s official manual or Vizio’s support channels for the most current information”.

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 asserts ownership of the VIZIO trademark and has adduced evidence of trademark registration, dated back to April 24, 2007, with the earliest priority dating back to March 31, 2004.

The disputed domain names are confusingly similar to the Complainant’s VIZIO trademark, according to the Complainant, because they merely add the descriptive words “setup” and “tv” to the Complainant’s identical VIZIO trademark.

The Complainant further asserts that the Respondents lack any rights or legitimate interests in the disputed domain names based on: the lack of any relationship with the Complainant; the lack of any license, permission, or authorization from the Complainant; the lack of any evidence that the Respondents are known by the disputed domain name; and Respondents’ illegitimate use of the disputed domain names in connection with website content which misappropriates the Complainant’s standard character trademark and logo, as well as hyperlinks to the Complainant’s official careers website and third-party sponsored hyperlinks.

The Complainant has also proffered “numerous consumer complaints associated with the disputed domain name <viziosetup.com> which support the assertion [it] is being used for ... fraudulent charges”.

The Complainant argues that Respondents have registered and used the disputed domain names in bad faith for numerous reasons, including: the fame of the Complainant’s VIZIO trademark; the Respondents’ use of the disputed domain name <viziosetup.com> in connection with illegal activity, namely fraudulent charges to the Complainant’s customers who contact the “expert technicians” advertised on the Respondents’ websites; the Respondents’ use of the disputed domain names to divert Internet users away from the Complainant’s official website, and instead to third-party sponsored hyperlinks; and the Respondents’ pattern of at least two bad faith domain name registrations that target the Complainant’s VIZIO trademark.

B. Respondents

On June 25, 2025, one of the Respondents submitted an informal email response concerning the <viziosetup.com> disputed domain name that read, “Thank you for reaching out. Please be advised that our website is for informational purposes only and should not be considered professional advice. Please check the content on my website. There is nothing suspicious. Only Guide how vizio users can set up vizio tv. If you will find any suspicious then you can Dispute”.

On the same day, the other Respondent submitted a separate informal email response concerning the <viziotvsetup.com> disputed domain name that read, “Thank you for getting in touch. We want to clarify that our website’s purpose is to offer helpful and straightforward guides for Vizio TV setup. While we strive to provide accurate information, please remember that these are informational guides and not official professional advice. We are confident in our content, but if you have found anything that concerns you, please don’t hesitate to file a dispute so we can address it. Check Domain - <https://viziotvsetup.com/>”.

On July 7, 2025, in response to the Center’s notification of the Complaint and commencement of administrative proceeding, one of the Respondents submitted a further informal email, which read “You mean you will pay 1,000 USD for two domains[?]”.

6. Discussion and Findings

To succeed in its Complaint, the Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. The disputed domain names are identical or confusingly similar to a trademark in which the Complainant has rights;
- ii. The Respondents have 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.

Although the Respondents did not submit a formal Response to the Complainant’s contentions, the burden remains with the Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy.

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules. The disputed domain name registrants did not comment on the Complainant’s request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. When a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Panels consider a range of non-exhaustive factors for consolidation, which include (i) the registrants' identity(ies) including pseudonyms, (ii) the registrants' contact information including email address(es), postal address(es), or phone number(s), including any pattern of irregularities, (iii) relevant IP addresses, name servers, or webhost(s), (iv) the content or layout of websites corresponding to the disputed domain names, (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (vi) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>), (vii) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue, (viii) any changes by the respondent relating to any of the above items following communications regarding the disputed domain name(s), (ix) any evidence of respondent affiliation with respect to the ability to control the disputed domain name(s), (x) any (prior) pattern of similar respondent behavior, or (xi) other arguments made by the complainant and/or disclosures by the respondent(s). [WIPO Overview 3.0](#), section 4.11.2.

Here, the disputed domain names are subject to common control by either the same person or connected parties working in concert with one another, as shown by the following circumstances:

- i. Both point to nearly identical or substantially similar website content and/or layout, described in detail below.
- ii. Both were registered through the same Registrar.
- iii. Both shared the same Proxy Service or pseudonym in their Whois data, namely the Registrant Organization "Privacy service provided by Withheld for Privacy ehf".
- iv. Both target the same Complainant trademark, namely VIZIO, as does the website content associated with each disputed domain name.
- v. Both use an identical or similar composition or naming convention, specifically VIZIO plus "setup" and the ".com" generic Top-Level Domain ("gTLD").
- vi. Both are written in the same language and script, namely English and ASCII and therefore target the same audience of English-speaking Internet users.
- vii. As detailed above, the Center received substantially similar informal email responses from each registrant minutes apart, as well as a subsequent email seeking clarification on a perceived sales offer for both disputed domain names.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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.

Ownership of a nationally or regionally registered trademark serves as prima facie evidence that the Complainant has trademark rights for the purposes of standing to file this Complaint. [WIPO Overview 3.0](#), section 1.2.1. The Complainant submitted evidence that the VIZIO trademark has been registered in multiple as of April 24, 2007, with priority in the United States (where Respondent is allegedly located) dating back to March 31, 2004, over twenty years before the disputed domain names were registered by the Respondent. Thus, the Panel finds that the Complainant's rights in the VIZIO trademark have been established pursuant to the first element of the Policy.

The only remaining question under the first element of the Policy is whether the disputed domain names are identical or confusingly similar to the Complainant's VIZIO trademark. In this Complaint, the disputed domain names are confusingly similar to the Complainant's VIZIO trademark because, disregarding the ".com", gTLD, the entirety of the mark is reproduced within each disputed domain name. [WIPO Overview 3.0](#), section 1.7. ("This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the domain name ... [I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar..."). gTLDs, such as ".com" in the disputed domain names, are generally viewed as a standard registration requirement and are disregarded under the first element. [WIPO Overview 3.0](#), section 1.11. The confusing similarity is not dispelled by combination with the descriptive terms, "setup" or "tv". [WIPO Overview 3.0](#), section 1.8 (Additional terms "whether descriptive, geographic, pejorative, meaningless, or otherwise" do not prevent a finding of confusing similarity where the relevant trademark is recognizable within the disputed domain name).

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. Where, as in this Complaint, the Respondent fails to come forward with any relevant evidence, the Complainant is deemed to have satisfied the second element of the Policy. [WIPO Overview 3.0](#), section 2.1.

It is evident that the Respondent, identified by registration data for the disputed domain name as "Alice Dixonau" or "Zone Desire", is not commonly known by the disputed domain names or the Complainant's VIZIO trademark.

Service of pay-per-click advertisements through the disputed domain names attempts to trade off the goodwill of the Complainant and accordingly cannot constitute any bona fide offering of goods or services using the disputed domain name. [WIPO Overview 3.0](#), section 2.9 (Unless "genuinely related to the dictionary meaning" of the disputed domain, "[pay-per-click] links do not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of Complainant's mark or otherwise mislead Internet users").

While the website hosted at the disputed domain name <viziottvsetup.com> features a disclaimer, the nature of the disputed domain name and overall content found at the website suggests affiliation or endorsement by the Complainant and the disclaimer is only found under the "Privacy Policy" on the website.

In addition, UDRP panels have categorically held that use of a domain name for illegal activity—including the impersonation of the complainant, fraudulent charges, and other varieties of fraud—can never confer rights or legitimate interests on a respondent. Circumstantial evidence can support a credible claim made by the Complainant asserting the Respondent is engaged in such illegal activity, including that the Respondent has masked its identity to avoid being contactable, or offers goods at prices well below market value, or has misappropriated copyrighted images. [WIPO Overview 3.0](#), section 2.13. Here, the Complainant has proffered credible evidence of illegal activity by the Respondent in the form of transcripts of consumer complaints, which allege specifically “vizio setup dot com ... made me charge then my card [which] got put on fraud [hold] because other companies [took] my money out [of] my account”.

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

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that Respondent has registered or Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of Respondent's documented out of pocket costs directly related to the disputed domain name; or
- ii. Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- iii. Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. By using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

Where parties are both located in the United States and the complainant has obtained a federal trademark registration pre-dating a respondent's domain name registration, panels have applied the concept of constructive notice, subject to the strength or distinctiveness of the complainant's trademark, or circumstances that corroborate respondent's awareness of the complainant's trademark. [WIPO Overview 3.0](#), section 3.2.2. In this Panel's view, when the disputed domain names were registered in 2023 and 2025, the Respondent had constructive or actual knowledge of the Complainant's pre-existing rights in its VIZIO trademark under United States law. See e.g., *Champion Broadcasting System, Inc. v. Nokta Internet Technologies*, WIPO Case No. [D2006-0128](#) (Applying the principle of constructive notice where both parties are located in the United States). Indeed, circumstances in this case corroborate the Respondent's awareness of the Complainant and the Complainant's VIZIO trademark, including: the Respondent's incorporation of the entire VIZIO trademark into both disputed domain names; the Respondent's addition of the terms “setup” and “tv” to the disputed domain names, which describe the goods and services of the Complainant; the Respondent's use of the disputed domain names in connection with website content that misappropriates the Complainant's logo as its favicon, ostensibly offers information about the Complainant's goods, and yet hyperlinks to numerous third-party sponsored advertisements in competition with Complainant and/or in furtherance of an illegal scheme to defraud the Complainant's customers.

Use of a domain name incorporating a complainant's trademark to redirect Internet users to the respondent's website, where goods or services are advertised in competition with the Complainant, is strong evidence of bad faith under paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.1.4 ("Panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: ... seeking to cause confusion for respondent's commercial benefit, even if unsuccessful ... the lack of a respondent's own rights to or legitimate interests in a domain name [or] redirecting the domain name to a different respondent-owned website, even where such website contains a disclaimer...."). Here, each disputed domain name misappropriates the Complainant's identical VIZIO trademark and resolves to the Respondent's website that misappropriates the Complainant's logo as a favicon and advertises third-party sponsored hyperlinks that either offer services in competition with the Complainant or further an illegal scheme to defraud the Complainant's customers when they attempt to set up their smart televisions. Accordingly, the Panel finds that use of the disputed domain names will divert potential customers from the Complainant's business to the websites under the disputed domain names by attracting Internet users who mistakenly believe that the disputed domain names are affiliated with the Complainant, and which may further mistakenly believe that the services offered on these websites are authentic services offered by the Complainant, or by an entity affiliated to the Complainant.

UDRP panels have categorically held that registration and use of a domain name for illegal activity—including impersonation, passing off, and other types of fraud—is manifestly considered evidence of bad faith within paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.1.3. Use of the disputed domain name by Respondent to pretend that it is Complainant or that it is associated with Complainant "brings the case within the provisions of paragraph 4(b)(iii) of the Policy, for it shows Respondent registered the domain name primarily for the purpose of disrupting the business of a competitor, namely Complainant". *Graybar Services Inc. v. Graybar Elec, Grayberinc Lawrence*, WIPO Case No. [D2009-1017](#); see also *GEA Group Aktiengesellschaft v. J. D.*, WIPO Case No. [D2014-0357](#) (concluding that Respondent's use of the disputed domain name to disrupt the Complainant's business by using it to impersonate the Complainant for commercial gain was evidence of respondent's bad faith registration and use of the disputed domain). Circumstantial evidence can support a complainant's otherwise credible claim of illegal respondent activity, including evidence that: the respondent has misappropriated copyrighted images from the complainant; the goods or services at issue have prompted consumer complaints; and the respondent has masked its identity to avoid being contactable. [WIPO Overview 3.0](#), section 2.13.2. Here, the Complainant has proffered persuasive and uncontroverted evidence that the Respondent has used the disputed domain names for illegitimate or illegal activity. Specifically, the Complainant submitted evidence that: the Respondent configured the disputed domain names to resolve to website content that makes unauthorized use of the Complainant's logo in connection with a purported informational website for the Complainant's customers; the Respondent intentionally registered the disputed domain names to mimic the Complainant's official website at "www.vizio.com", including its webpage at "www.vizio.com/setup"; the Respondent had initially obscured its identity through the use of a Registrar that applies proxy registration services by default; and, as described above, the Respondent's website under the disputed domain name <viziosetup.com> has prompted numerous consumer complaints to the Complainant to indicate that the Respondent is engaged in fraud.

The Panel finds the second 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 names <viziosetup.com> and <viziotvsetup.com> be transferred to the Complainant.

/Phillip V. Marano/

Phillip V. Marano

Sole Panelist

Date: August 21, 2025