

ADMINISTRATIVE PANEL DECISION

Newsmax Media, Inc. v. Accounts Payable
Case No. D2025-2826

1. The Parties

Complainant is Newsmax Media, Inc., United States of America ("United States"), represented by Safenames Ltd., United Kingdom.

Respondent is Accounts Payable, United States.

2. The Domain Name and Registrar

The disputed domain name <newsmaxllc.com> is registered with Namecheap, Inc. ("Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center ("Center") on July 17, 2025. On July 17, 2025, the Center transmitted by email to Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 2025, Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (e.g., the Complaint named "Redacted for Privacy" as Respondent). The Center sent an email communication to Complainant on July 18, 2025, providing the registrant and contact information disclosed by Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 21, 2025, naming "Accounts Payable" as Respondent.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy ("Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy ("Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy ("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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 12, 2025.

The Center appointed Debra J. Stanek as the sole panelist in this matter on August 18, 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 multimedia publishing company founded in 1998. It also operates an online news platform through its website at “www.newsmax.com” and a mobile app. It owns several registrations for the mark NEWSMAX, including:

- United States: Reg. No. 3,177,090, registered on November 28, 2006, for magazines.
- European Union: Reg. No. 010951192, registered on October 24, 2012, for broadcasting services, print materials, and news and entertainment services, among other things.
- United States: Reg. No. 4,708,616, registered on March 24, 2015, for a wide variety of broadcasting services, among other things.

Complainant has a related entity named Newsmax, LLC.

The disputed domain name was registered on April 22, 2025. Both at the time the Complaint was filed and at the time of this Decision, it does not resolve to an active website.

Complainant sent a cease-and-desist letter to Respondent on June 16, 2025, but did not receive a response.

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.

In particular:

- The disputed domain name consists of the entirety of Complainant's NEWSMAX mark followed by “llc,” an abbreviation for the designation “limited liability company.”
- To the best of Complainant's knowledge, Respondent has no rights in the term “Newsmax”; Complainant has not authorized Respondent to use its NEWSMAX mark.
- The disputed domain name does not lead to any active webpage; however, it has activated MX records, meaning that email messages may be sent from addresses using the disputed domain name.
- Respondent has concealed its identity.
- There is no plausible use of the disputed domain name by Respondent that would not be illegitimate.
- The email address provided by Respondent has been used in connection with three other domain names, each of which is similar to the name of a third party demonstrating a pattern of bad faith domain name registrations that target others.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

The Panel determines that "Accounts Payable" is the appropriate Respondent. See [WIPO Overview 3.0](#), section 4.4.5 (in cases involving a privacy service, Panel has discretion to determine appropriate respondent).

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 Complainant's trademark and the disputed domain name. [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.

Complainant's mark is not identical to the disputed domain name. The entirety of Complainant's mark is reproduced in the disputed domain name, and the Panel finds that the mark is recognizable. Accordingly, the disputed domain name is confusingly similar to the mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of "llc" may bear on assessment of the second and third elements, the Panel finds the addition 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 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in proceedings under the Policy 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 remains on the complainant). If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel finds 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 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.

Other panels have found that the non-use of a domain name, including a webpage displaying a "launching soon" message, does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. In the present case, the Panel finds that the passive holding of the disputed domain name does not prevent such a finding here. In doing so, the Panel considers the totality of the circumstances: Complainant's NEWSMAX mark is well-known; Complainant's trademark registrations long predate registration of the disputed domain name, the disputed domain name combines the NEWSMAX mark in its entirety with a well-known abbreviation for "limited liability company"--"llc"--which does not meaningfully differentiate the disputed domain name, making good faith use implausible; Respondent did not respond to either the Complaint or to Complainant's correspondence, and Respondent concealed its identity in the publicly-available Whois (as well as its likely use of false information in the registration itself), the Panel finds that a finding of bad faith under the Policy is not precluded.

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 <newsmaxllc.com> be transferred to Complainant.

/Debra J. Stanek/

Debra J. Stanek

Sole Panelist

Date: August 22, 2025