

ADMINISTRATIVE PANEL DECISION

Newsmax Media, Inc. v. Domain Administrator
Case No. D2025-2922

1. The Parties

The Complainant is Newsmax Media, Inc., United States of America (“US”), represented by Safenames Ltd., United Kingdom.

The Respondent is Domain Administrator, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <newsmaxinvestnow.com> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 23, 2025. On July 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 24, 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 (c/o WHOISTrustee.com Limited, Registrant of newsmaxinvestnow.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 25, 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 July 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 20, 2025.

The Center appointed Rebecca Slater as the sole panelist in this matter on August 26, 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 US-based multi-media broadcasting and digital publishing company founded in 1998. It operates an online news platform that is available on desktop and through a mobile app. It also operates a print magazine. The Complainant's website has over 25 million visits per month, and its news channel is the 4th highest rated cable news channel in the US.

The Complainant holds registrations for the NEWSMAX word mark in several jurisdictions, including US Trade Mark Registration No. 3177090 (registered November 28, 2006), US Trade Mark Registration No. 4708616 (registered March 24, 2015), European Union Trade Mark Registration No. 010951192 (registered October 24, 2012) and Australian Trade Mark Registration No. 1495463 (registered June 8, 2012) (the "Trade Mark").

The Complainant operates the <newsmax.com>, <newsmaxplus.com> and <newsmaxtv.com> domain names.

The Complainant uses the Trade Mark to promote its services on various social media platforms (Facebook, X, Instagram and YouTube).

The Respondent is Domain Administrator, located in Nigeria. The Respondent did not submit a response, and consequently little information is known about the Respondent.

The disputed domain name was registered on March 14, 2025.

The disputed domain name currently hosts a website which displays pay-per-click ("PPC") links with headings such as "Investment Trading". At the time of the Complaint, one of the headings displayed was "Newsmax Investment Opportunity".

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:

- The disputed domain name is confusingly similar to the Trade Mark. The disputed domain name incorporates the Trade Mark in its entirety, with the additional terms "invest now". The Complainant began its IPO (initial public offering) three days before the registration of the disputed domain name. The use of "invest now" in this context further reinforces the confusing similarity with the Trade Mark.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name is being used to display PPC links. The PPC links capitalize on the reputation of the Trade Mark. Any emails coming from the email address "...@newsmaxinvestnow.com" would cause a high risk of consumer confusion. Such activities do not amount to a bona fide offering of goods or services capable of conferring a right or legitimate interest. The Respondent is not commonly known by the disputed domain name and has no relevant trade mark rights.

- The disputed domain name was registered and is being used in bad faith by the Respondent. The Respondent submits the following as indicators of bad faith:
- The registration of the Trade Mark predates the registration of the disputed domain name by 19 years, and the Trade Mark has garnered considerable popularity in the sector of online newspapers and political journalism.
- A cease-and-desist letter was sent to the Respondent on April 24, 2025. The Respondent did not respond.
- The proximity of the registration of the disputed domain name with the Complainant's IPO also indicates an intention to take advantage of the Trade Mark.
- By using PPC links, the Respondent has utilized the disputed domain name to attract Internet users hoping to reach the Complainant's services (or information about its IPO) and divert them to unconnected sites from which the Respondent can commercially benefit.
- The presence of MX records indicates that the disputed domain name could be used for impersonation.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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 trade mark 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 Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "invest now") 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 Trade 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 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 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 Complainant has not authorized the Respondent to use the Trade Mark and there is no evidence that the Respondent has ever been known by the disputed domain name.

The disputed domain name is being used to host a website displaying PPC links. This does not represent a bona fide offering as such links capitalize on the reputation and goodwill of the Trade Mark (for example, the link headed “Newsmax Investment Opportunity”). [WIPO Overview 3.0](#), section 2.9.

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.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

Under paragraph 4(b)(iv) of the Policy, there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trade marks as to the source, sponsorship, affiliation or endorsement of the website.

The Panel finds it unlikely that the disputed domain name was registered without knowledge of the Complainant and the Trade Mark, given the reputation of both the Complainant and the Trade Mark. The Respondent’s goal in registering and using the disputed domain name appears to be to attract Internet users for potential gain by taking unfair advantage of and creating a likelihood of confusion with the Complainant’s well-known Trade Mark. This finding is reinforced by: (a) the timing of the registration of the disputed domain name (three days after the Complainant’s IPO offering); (b) the Respondent’s use of the disputed domain name to host a website displaying PPC links which likely generate revenue for the Respondent and

some of which directly reference the Complainant; and (c) the configuration of MX records for the disputed domain name.

Additionally, the Complainant first tried to contact the Respondent on April 24, 2025 by emailing a cease-and-desist letter requesting a transfer of the disputed domain name. The Respondent failed to respond to this letter. The Panel's view of the Respondent's bad faith is reinforced by its failure to respond to this communication.

The Panel finds that the Complainant has established the third element 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 <newsmaxinvestnow.com> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: September 1, 2025