ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
The Playtone Company v. Destiny Best
Case No. D2025-3792

1. The Parties

The Complainant is The Playtone Company, United States of America ("United States"), represented by Anthony M. Keats, United States.

The Respondent is Destiny Best, Portugal.

2. The Domain Name and Registrar

The disputed domain name <playtoneproductions.info> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 17, 2025. On September 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 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, Privacy service provided by Withheld for Privacy ehf[1]) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 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 did not file an amendment to the Complaint or an amended Complaint.

The Center verified that the 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 September 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2025. The Respondent sent email communication to the Center on September 29, 2025, stating that it "registered and used the said domain name in ignorance

[1] The Complaint refers to the Respondent as "John Doe".

of its prior registration and association with the Complainant's company", and is willing to transfer the disputed domain name to the Complainant to resolve the matter amicably. Also on September 29, 2025, the Respondent confirmed that it did not intend to contest the Complaint and is willing to transfer the disputed domain name to the Complainant. On October 10, 2025, the Complainant asked the Center to suspend the proceedings to explore a settlement with the Respondent. On October 16, 2025, the Center subsequently confirmed that the proceedings would be suspended until November 15, 2025. In absence of any email communication from the Parties, on November 18, 2025, the Center informed the Parties that the proceeding was reinstituted, and that the new Response due date was November 22, 2025. The Respondent did not submit any further communications or response. Accordingly, the Center informed the Parties that it would proceed with panel appointment on November 25, 2025.

The Center appointed Alfred Meijboom as the sole panelist in this matter on December 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

The Complainant is the creator and producer of the "Playtone" film, television, and media production company, which offers various entertainment products and services worldwide. The Complainant owns various trademark registrations in jurisdictions throughout the world for the trademark PLAYTONE, including United States trademark PLAYTONE with registration number 2,515,818 of December 4, 2001, for prerecorded audio and video tapes.

The Respondent registered the disputed domain name on April 8, 2025. The Complainant submitted evidence of the use of the disputed domain name for emails which the Complainant alleges to represent that Respondent is the owner of PLAYTONE and to fraudulently induce third-parties to engage in the Respondent's counterfeit film production and consultation services and to lure unsuspecting third-parties to pay the Respondent for bogus services using the disputed domain name and the Complainant's PLAYTONE trademark.

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 identical to the Complainant's PLAYTONE trademark which it incorporates in its entirety, and that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Respondent is not commonly known by the disputed domain name and it is not authorized or licensed by the Complainant to use the PLAYTONE trademark, nor had the Respondent used or was it preparing to use the disputed domain name in connection with bona fide offering of goods or services prior to its registration of the disputed domain name. The Complainant further asserts that the Respondent is also not making a legitimate noncommercial or fair use of the disputed domain name without intent of commercial gain, but rather fraudulently held itself out as the Complainant using the Complainant's legal address and business name, in a bad faith attempt to induce the public into believing that the Respondent is the Complainant.

The Complainant alleges that the Respondent was well aware of the Complainant's PLAYTONE trademark prior to registering the disputed domain name as demonstrated by the Respondent's advertising of PLAYTONE's authentic films, television shows, and production services through the website to which the disputed domain name resolved.[2] The Complainant alleges that the Respondent's registration and use of the disputed domain incorporating the Complainant's registered trademark is necessarily in bad faith since the Respondent knew at the time of the registration of the disputed domain name that it cannot make any actual use of the disputed domain name without infringing on the trademark owner's rights. According to the Complainant the Respondent's bad faith in this case is patently obvious given the Respondent's fraudulent misrepresentations holding itself out as the Complainant in an effort to scam consumers into believing that they are entering into valuable contractual arrangements with the Complainant when in fact they are not.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. It did, however, send emails to the Center on September 29, 2025, in which it consented to the transfer of the disputed domain name to the Complainant, and confirmed that it did not intend to contest the Complaint.

6. Consent to Transfer

As stated above, the Respondent confirmed its consent to transfer the disputed domain name to the Complainant. According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.10, panels may accept such consent as the basis for a transfer order without the need to consider the UDRP grounds if parties have not been able to settle their dispute prior to the issuance of a panel decision using the "standard settlement process" of WIPO.

In this case, the Center received two emails from the Respondent offering to transfer the disputed domain name to the Complainant in order to settle the case amicably. The record does not disclose why the parties were unable to resolve the dispute through the standard settlement procedure. However, there is no indication that the Respondent revoked its consent or attached certain conditions to its consent.

The Panel therefore finds that the Respondent's communication clearly demonstrates the Respondent's consent to the transfer of the disputed domain name. In the Panel's opinion, the fact that no settlement agreement could be reached within the suspension period does not affect the Respondent's consent to the transfer (e.g., *Pierre Balmain S.A. v. Domains By Proxy, LLC / Daniel Phillips*, WIPO Case No. D2015-0189).

The Panel does not consider it necessary to ask the Complainant, by Procedural Order, whether it agrees to a simple order of the transfer of the disputed domain name, because the record shows that both parties agree to the voluntary transfer of the disputed domain name to the Complainant, the Respondent has not actively objected to such simple order, and there is no other reason why it would be appropriate to proceed instead to a substantive decision on the merits (*Build-A-Bear Workshop, Inc. v. Daniel Keelagher*, WIPO Case No. D2025-2769).

The Panel therefore orders the transfer of the disputed domain name to the Complainant.

But even if the Respondent would not have provided his consent to transfer the disputed domain name, the Panel finds that (without the need to go into details) the disputed domain name is confusingly similar to the Complainant's PLAYTONE trademark, the Respondent does not have rights or legitimate interests in the disputed domain name, and the disputed domain name was registered and is being used in bad faith.

[2] As the Complainant did not submit evidence of this purported website, the website is not mentioned in the factual background.

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 <playtoneproductions.info> be transferred to the Complainant.

/Alfred Meijboom/
Alfred Meijboom
Sole Panelist
Date: December 9, 2025