

ADMINISTRATIVE PANEL DECISION

Eastman Music Company v. bradley Schmidt
Case No. D2025-3808

1. The Parties

The Complainant is Eastman Music Company, United States of America ("United States"), represented by Renner, Otto, Boisselle, & Sklar, LLP, United States.

The Respondent is bradley Schmidt, United States, self-represented.

2. The Domain Name and Registrar

The disputed domain name <eastmanmusic.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 18, 2025. On September 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 19, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 30, 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 amendment to the Complaint on October 2, 2025.

The Center verified that the Complaint together with the amendment to 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 October 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 23, 2025. The Response submitted emails that the Center deemed a Response on October 20, 2025, and October 22, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on November 4, 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.

The Respondent submitted a supplemental filing on November 14, 2025, with attached documents, stating that his earlier emails were not meant to be the final, formal Response.

4. Factual Background

The Complainant is a corporation organized under the laws of the State of California, United States and headquartered in Pomona, California. The Complainant designs, manufactures, and sells musical instruments. The Complaint does not describe its sales channels other than the Complainant's website at "www.eastmanmusiccompany.com", which is linked to social media sites. The Complainant registered that domain name on May 8, 2002, and states that it has used it continuously since for its website. The Panel notes, however, that the Complainant furnishes no historical examples of online use, and the earliest screenshots of the Complainant's website archived by the Internet Archive's Wayback Machine (which may not correspond to the earliest actual web use) date from March 2004.¹

The Complainant holds the following United States trademarks:

Mark	Reg. Number	Reg. Date	International Class(es)
EASTMAN (word)	3756492	March 9, 2010	15
EASTMAN (word)	5041047	September 13, 2016	15

Both of the Complainant's trademark applications claimed first use in commerce on January 1, 1992, although the online database of the California Secretary of State shows that the Complainant was not formed until November 27, 2001. The Panel notes that the first trademark was originally registered to Eastman Strings, Inc., a Maryland, United States corporation, and later assigned to the Complainant.

The disputed domain name was created on May 5, 2004, and is registered to the Respondent Bradley Schmidt, listing no organization, a postal address in the State of Minnesota, United States, and a Hotmail contact email address. Mr. Schmidt identifies himself as a music teacher in Minnesota. The Respondent states that he purchased the disputed domain name on May 5, 2004, under an agreement with the Eastman Music Store in Faribault, Minnesota. The Respondent says he had been teaching private music lessons at the store since 1987. The Respondent states that another "friend of the store" had operated a previous website promoting the music store using the same domain name, but the Respondent furnishes no screenshots of this prior website. The Respondent offered to create a website for the store if they would continue to refer students to him and pay for website development.

It appears that the Respondent never developed such a website. The Panel notes that the disputed domain name simply resolved to a landing page hosted by the Registrar, advertising the disputed domain name for sale and promoting the services of the Registrar. Examples of this are found in screenshots archived by the Internet Archive's Wayback Machine from 2004, 2011, 2017, and 2019.

The Complaint attaches a screenshot of the landing page to which the disputed domain name resolved on December 2, 2021. On that date, and for some time thereafter, the landing page displayed a prominent "for sale" notice stating that the domain had been "originally secured for a friend, but a website was never developed and now that business is no longer in operation." The notice invited purchase offers from musicians, manufacturers, importers, exporters, retailers, and schools.

¹Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in this proceeding. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 4.8.

At the time of this Decision, the disputed domain name resolves to a landing page with the message, “Launching Soon” and a “Contact Us” button, with a copyright notice in the name of “Eastman Music”. The page also displays a cookie notice.

Consistent with the “for sale” message on the Respondent’s landing page in 2021, the Panel notes that the Respondent’s Supplemental Filing attaches a media article reporting that the Eastman Music Store closed in 2016 after 56 years in business. The article includes a photo of the shop front of the music store. The Respondent mentions that its founder Robert Eastman died in 2018. The Panel notes that the online database of the Minnesota Secretary of State shows that Eastman Music, Inc., located in Faribault, Minnesota with Robert Eastman as CEO, was formed in 1972, dissolved in 2018, and used “Eastman Music” as a registered assumed name.

The Respondent states that he was first contacted by the Complainant in 2005. The Respondent’s Supplemental Filing attaches a May 6, 2005, email from the webmaster of the Complainant’s website offering to barter a musical instrument or website design services in exchange for the disputed domain name, because the Complainant was interested in “shortening our domain”. Nothing came of this proposal.

Sixteen years later, after the Respondent posted the landing page with a “for sale” message in 2021, the Complainant contacted the Respondent again. This time, the Complainant offered to purchase the disputed domain name for USD 6,500. The Respondent replied with an email dated December 30, 2021, stating in relevant part as follows:

“We setup this website with the intent to launch it in the New Year (2022), but have had several parties (like yourself) contact us in the interim. Years ago, I decided that I would not reply to any offer below \$6,000 (GoDaddy and others were constantly contacting me with low-ball offers), and though you are not the Highest bid at this time, I have spoke [sic] with two different people from your Company (over the years), and have always thought that Eastman Music Company (and a couple others) would be the “best fit” for this Domain! I would love to workout [sic] a deal with you, so let me ask you a few questions:

1. Are you looking to do this before the end of the year (2021 Tax Write-off)?
2. Are you open to a higher offer (probably not going to end up in your hands, if not)
3. Will you use this Domain Name in a Respectable Fashion (I believe in Karma)?”

The Parties did not reach an agreement, and the Respondent ultimately replaced the “for sale” message on the landing page with the current “launching soon” message. The Respondent mentions in his Supplemental Filing that musicians named Eastman have also expressed interest in the disputed domain name, and people such as himself and others in Minnesota who fondly remember Robert Eastman and the former Eastman Music Store have contemplated publishing an Eastman Music “legacy website”.

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 its EASTMAN mark. The Complainant asserts that the Respondent has no permission to use the mark, is not known by a corresponding name, and is not using the disputed domain name for a bona fide commercial offering. The Complainant argues that if the Respondent had any legitimate connection with Eastman Music, Inc. of Minnesota, that interest was extinguished when that company went out of business and the Respondent offered the disputed domain name for sale. The 2021 email in which the Respondent identified the Complainant as “the best fit” buyer for the disputed domain name suggests that the Respondent’s ‘primary intent was to profit from or otherwise exploit the Complainant’s EASTMAN marks in excess of out-of-pocket costs.”

The Complainant argues that the Respondent's registration of the disputed domain name through a domain privacy service further supports the inference of bad faith, as does the fact that the Respondent never developed a website for the now-defunct Eastman Music, Inc. but merely held on to the disputed domain name for resale. The Complainant alludes to other Policy examples of bad faith as well, suggesting that the Respondent intended to divert consumers from the Complainant with a confusingly similar domain name, deprive the Complainant of a domain name corresponding to its trademark, and disrupt the Complainant's business.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. The Respondent argues that the Complainant's registered EASTMAN trademark post-dates the long-established Eastman Music business in Faribault, Minnesota with which the Respondent was affiliated, and he denies any intent to attack the Complainant's mark. The Respondent argues that he acquired the disputed domain name in 2004 with reference solely to the existing Eastman Music, Inc. business in Minnesota, for which he planned to develop a supporting website. The Respondent points out that the Complainant at that time had only recently started operating under the company and website name Eastman Music Company and cannot credibly claim to have established a reputation as "Eastman Music" dating back to the 1990s.

6. Discussion and Findings

6a. Supplemental Filing

The Rules provide for a Complaint and Response and do not contemplate supplemental filings. Paragraph 10 of the Rules gives the Panel "the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition". Paragraph 12 provides that it is in the Panel's sole discretion to request further statements or documents from the parties. Unsolicited filings are generally discouraged and tend to be permitted exceptionally where additional supporting evidence is required, a relevant claim has not been addressed, or fairness calls for an opportunity to respond to the opposing party. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), sections 4.6, 4.7.

Here, the Respondent asserts that his emails to the Center included a request for an extension of time to file a formal Response. The Supplemental Filing includes a fuller articulation of the Respondent's arguments on "trademark infringement" and attaches a printout of the 2005 email from the Complainant to which the Respondent previously alluded, inquiring about the possible transfer of the disputed domain name, as well as an online media article from 2016 about the closure of the Eastman Music store in Minnesota.

The Panel recognizes that the Respondent is not represented by counsel and appears not to have understood some salient aspects of the Rules. The Respondent's argumentation is largely cumulative and not wholly material to the elements of Complaint, but the Panel will take the attached documents into consideration to the extent that they are relevant. The Complainant has not disputed the 2005 communication concerning a possible acquisition of the disputed domain name or the fact that the Eastman Music, Inc. business was operating for decades in Faribault, Minnesota before closing in 2016. The Complainant has not opposed the Respondent's Supplemental Filing, and the Panel does not find it prejudicial or fundamentally unfair to accept the Supplemental Filing for consideration in this proceeding.

6b. Substantive Issues

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.

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

The Panel notes that the Complainant cites its trademark applications claiming first use in commerce in 1992, but the Complaint does not establish a record to support acquired distinctiveness of EASTMAN as a common law mark before trademark registration in 2010. This would typically require, for example, historical evidence of sales and marketing, as well as industry, consumer, and media recognition associating the mark with the Complainant. [WIPO Overview 3.0](#), section 1.3. Given the trademark registrations, it is not necessary to rely on a common law mark to support the first element of the Complaint, but the lack of evidence on this point is significant for the third element, as discussed below.

The entirety of the registered EASTMAN 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, “music”) may bear on assessment of the second and third elements, the Panel finds the addition of such a term 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

Given the findings below, it is not necessary to make a determination on this element (and the Panel would note that there is a tension on the one hand between the prior use and the current use).

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. The Complainant cites nearly all of these – registration to sell the disputed domain name to the Complainant for an exorbitant profit, to disrupt the business of a competitor, and to attract consumers for commercial gain through confusion with the Complainant’s trademark.

However, the Complainant must demonstrate bad faith both in the registration and in the use of the disputed domain name, and that means that the Complainant must show (a) that it had trademark rights in May 2004 when the Respondent registered the disputed domain name and (b) that the Respondent more likely than not was aware of the Complainant’s mark in May 2004 and meant to exploit it. The Panel is not convinced on either of these points on this record.

The Complainant claims rights under an EASTMAN mark first registered in 2010 by another company, Eastman Strings, Inc., which applied for registration in 2008, as well as an EASTMAN mark that the Complainant registered in 2016. The applications both claimed first use in commerce in 1992, but no evidence of such early use was submitted in this record or in the trademark application. The Panel notes that the domain name <eastmanstrings.com> was registered on April 17, 2001, and the Wayback Machine has archived landing pages with “under development” and “website coming soon” messages until August 2002, advertising string instruments from locations in Maryland, Germany, and the same address in Pomona, California later given for the Complainant in its corporate filings. The Complainant was formed in November 2001 and registered the domain name <eastmanmusiccompany.com> in May 2002. The Complainant claims “continuous use” of a website at that address since then, but there are no archived screenshots of a website associated with that domain name until March 2004, two months before the Respondent registered the disputed domain name. The Complaint does not expressly claim that its EASTMAN mark had acquired distinctiveness by May 2004 and does not present evidence to support such a claim.

Thus, contrary to the implications in the Complaint of longstanding use of the EASTMAN mark associated with the Complainant, the evidence indicates that in May 2004 the Complainant was relatively newly formed and just beginning to establish an online presence. It would not quickly acquire distinctiveness for trademark purposes with the name “Eastman”. “Eastman” is an English family name and produces numerous leading Internet search results unrelated to the Complainant. Literally thousands of unrelated trademark search results for EASTMAN appear in the USPTO database and the WIPO Global Brand Database.

The Respondent, on the other hand, was a music teacher connected with the much longer established Eastman Music, Inc., which operated a local music store in Faribault, Minnesota and to all appearances did not compete online with the Complainant in California or Eastman Strings in Maryland. The Respondent plausibly denies awareness of the Complainant until the Complainant’s webmaster contacted the Respondent in 2005 about bartering for a transfer of the disputed domain name.

Given those facts, the Panel considers it more likely that (a) the Complainant did not have common law trademark rights yet by May 2004 ([WIPO Overview 3.0](#), section 3.8.1) and (b) even if it did, the Respondent was unaware of them and selected the disputed domain name with reference to Eastman Music of Minnesota, not the Complainant. The Respondent’s subsequent conduct, such as negotiating for a higher sales price for the disputed domain name two decades later, does not change the facts around the registration of the disputed domain name.²

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: November 18, 2025

²The Panel notes as well that the Respondent’s registration of the disputed domain name using a domain privacy service, which the Complainant emphasizes, is not convincing evidence of bad faith. There are many legitimate reasons for doing so, such as avoiding spam and identity theft, and it is notable that the Respondent has not taken steps to evade communications with the Complainant or the Center.