

ADMINISTRATIVE PANEL DECISION

Gemini Alto Centerville Partners, LLC v. BUDY BUDY
Case No. D2026-2045

1. The Parties

The Complainant is Gemini Alto Centerville Partners, LLC, United States of America, represented by Holland & Knight, LLP, United States of America.

The Respondent is BUDY BUDY, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <houstoncountygalleria.com> (the “Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”). The Panel notes that the Complaint refers throughout to “www.houstoncountygalleria.com”; the prefix “www” is a conventional subdomain designation and does not form part of the registered second-level domain. The Panel accordingly treats the Disputed Domain Name as <houstoncountygalleria.com>.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2026. On May 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 13, 2026, 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 (Respondent Information Hidden By Privacy Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 18, 2026, 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 June 1, 2026.

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 June 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 29, 2026.

The Center appointed Nick J. Gardner as the sole panelist in this matter on July 2, 2026. 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, together with its relevant affiliates and predecessors-in-interest, operates a retail shopping mall and related retail, entertainment, dining, and event services under the name HOUSTON COUNTY GALLERIA (the “Mark”). The Complainant states that it has used the Mark in connection with these services since at least as early as 1994, and that the Mark has, over more than three decades, become a distinctive identifier of the Complainant’s mall and associated services among relevant consumers. The Complainant holds no registered trademark for the Mark and relies exclusively on asserted common law rights.

From at least 2013 until 2025, the Complainant operated its own official website at the Disputed Domain Name to promote its mall and services. According to the Whois record for the Disputed Domain Name, the underlying registration was created on December 7, 2010, and the record was last updated on November 8, 2025 (or thereabouts), an update that corresponds in time with the Complainant’s account of having lost control of the registration in late 2025.

Since that time, the Disputed Domain Name has been controlled by the Respondent, initially shielded by the privacy service Domains By Proxy, LLC, and subsequently confirmed by the Registrar to be held by BUDY BUDY of Jakarta, Indonesia. The Respondent’s use of the Disputed Domain Name has proceeded in two phases. First, in or around November and December 2025, the Disputed Domain Name resolved to a website that closely replicated the Complainant’s former website, prominently displaying the Mark; visitors who navigated to certain sub-domains of that website were directed to pages promoting online gambling services (operating under the name “SUMO777”) and inviting the creation of an account with entry of personal and payment information. Second, from at least January 2026 onward, and continuing as of the date of this Complaint, the Disputed Domain Name has redirected (by way of a 301 “Moved Permanently” redirection) directly to a third-party domain name hosting the same SUMO777 online gambling platform. The language used in the content of the gambling website appears to be Malay.

The Complainant has further submitted evidence that the Respondent has engaged in an essentially identical pattern of conduct in respect of at least nine other domain names, each incorporating a different third-party trademark, each replicating the relevant trademark owner’s website, and each directing visitors via a sub-domain to the same online gambling services.

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 it has established common law trademark rights in the Mark through more than three decades of continuous and substantial use, advertising, and promotion, and that this is corroborated by its long-standing operation of the Disputed Domain Name before it lost control of it. It contends that the Disputed Domain Name is identical to the Mark and to the Complainant’s own former domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name: the Respondent is not affiliated with or authorised by the Complainant; the Respondent’s use of the Disputed Domain Name to impersonate the Complainant’s former website and to redirect visitors to unrelated online gambling services cannot constitute a bona fide offering of goods or services, a legitimate noncommercial or fair use, or evidence that the Respondent is commonly known by the Disputed Domain Name.

The Complainant contends that the Disputed Domain Name was registered and is being used in bad faith, in that the Respondent, well aware of the Complainant's rights, adopted a domain name identical to the Mark and to the Complainant's own prior domain name in order to impersonate the Complainant, divert Internet users for commercial gain to online gambling services, and, the Complainant asserts, potentially expose consumers to fraudulent solicitation of personal and payment information. The Complainant relies on Policy paragraph 4(b)(iv), on the evidenced pattern of similar conduct by the Respondent in respect of other trademark owners, and on the principle in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), that no good faith use of the Disputed Domain Name is conceivable in the circumstances.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Matters

The Panel notes that no communication has been received from the Respondent. However, given the Complaint and Written Notice were sent to the relevant addresses disclosed by the Registrar, the Panel considers that this satisfies the requirement in paragraph 2(a) of the UDRP Rules to "employ reasonably available means calculated to achieve actual notice". Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

6.2. Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name;
- (iii) the Disputed Domain Name has been registered and is being used in bad faith.

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 of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant relies exclusively on asserted common law rights in the Mark, HOUSTON COUNTY GALLERIA. To establish such rights for purposes of the Policy, a complainant must show that the mark has become a distinctive identifier that consumers associate with the complainant's goods or services, commonly referred to as acquired distinctiveness or secondary meaning. See WIPO Overview, section 1.3.

The Panel records at the outset that the Mark is not inherently strong. It combines "Houston County," a geographical term used, as the Complainant's own evidence indicates, in its ordinary geographical sense to identify the county in which the Complainant's mall is situated, with "Galleria," a common English word for an arcade or shopping center. [WIPO Overview 3.1](#), section 1.6, records that geographical terms used only in their ordinary geographical sense do not, without more, provide standing to bring a UDRP complaint, and section 1.3 records that where an asserted common law mark consists of descriptive or non-distinctive terms, panels require the complainant to present relevant and sufficient evidence of acquired distinctiveness; conclusory allegations do not suffice.

Applying that standard, the Panel is nonetheless satisfied on the record before it that the Complainant has established common law rights in the Mark. The Complainant has used the composite term HOUSTON COUNTY GALLERIA continuously since 1994 as the specific trade name of a particular retail development, rather than in a purely descriptive sense, and has done so for over three decades without apparent challenge. The Complainant registered and operated, as its own official website, the domain name now in dispute for over a decade, from 2013 until 2025, a fact independently corroborated by the Whois creation date of December 7, 2010 for the underlying registration and by the “archive.org” record submitted at Annex D. [WIPO Overview 3.1](#), section 1.3 further records that evidence of a respondent targeting the complainant’s mark, including by impersonating the complainant’s website, may itself support a finding that the mark has achieved significance as a source identifier. Here, the Respondent has not merely adopted a domain name coincidentally similar to a geographic descriptor; it has reproduced, in essentially exact form, the Complainant’s own former website under the identical domain name the Complainant itself previously used for over a decade. That conduct is difficult to explain other than as a deliberate exploitation of the Complainant’s specific goodwill in the Mark, and it corroborates the Complainant’s claim to secondary meaning. The Panel accordingly finds that the Complainant has established common law rights in the Mark sufficient for standing under the first element.

The Disputed Domain Name reproduces the Mark in its entirety, without any additional or distinguishing matter beyond the “.com” generic Top-Level Domain, which is disregarded for purposes of comparison under the first element as a standard technical registration requirement. See [WIPO Overview 3.1](#), section 1.11. The Disputed Domain Name is accordingly identical to the Mark.

The Panel therefore finds that the first element of paragraph 4(a) 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 that 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 3.1](#), section 2.1.

Paragraph 4(c) of the Policy sets out a non-exhaustive list of circumstances that may demonstrate a respondent’s rights or legitimate interests in a domain name: (i) use of, or demonstrable preparations to use, the domain name in connection with a bona fide offering of goods or services prior to notice of the dispute; (ii) the respondent having been commonly known by the domain name; or (iii) legitimate noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the relevant mark.

None of these circumstances is present. The Complainant has not authorised, licensed, or otherwise permitted the Respondent to use the Mark or to register the Disputed Domain Name. There is no indication that the Respondent has ever been commonly known by the name “Houston County Galleria,” nor any plausible basis on which it could be. The Respondent’s actual use of the Disputed Domain Name, first to host a near-exact copy of the Complainant’s own former website while covertly diverting sub-domain visitors to online gambling services, and subsequently to redirect the Disputed Domain Name wholesale to an unrelated online gambling platform, is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use. Panels have consistently held that use of a domain name to impersonate a trademark owner, or to divert Internet users to unrelated commercial services under cover of that impersonation, is incapable of conferring rights or legitimate interests. See, e.g., *Crescent Communities v. Registration Private, Domains by Proxy, LLC*, WIPO Case No. [D2021-1740](#); see also [WIPO Overview 3.1](#), section 2.13.1.

The Complainant has therefore established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name, and the burden of production accordingly shifts to the Respondent to come forward with evidence to the contrary (see *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)). The Respondent, having filed no Response, has produced no such evidence, and none is otherwise apparent from the record.

The Panel accordingly finds that the second element of paragraph 4(a) of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel is satisfied on the record that the Respondent's acquisition of the registration of the Disputed Domain Name, evidenced by the change to the Whois record in or around November 2025 and consistent with the Complainant's account of having lost control of its own domain name at that time, was made with actual knowledge of the Complainant and its Mark. The Disputed Domain Name is the domain name that the Complainant itself had registered and used to resolve to its official website for over a decade, and the Respondent proceeded, immediately or almost immediately upon acquiring the registration, to reproduce the content of that very website, together with the Mark, in near-exact form. No credible innocent explanation for that conduct is apparent, and none has been offered.

Under paragraph 4(b) of the Policy a non-exhaustive list of factors evidencing registration and use in bad faith comprises:

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

In the present circumstances the Panel considers the Respondent's exact motivation is not immediately obvious. The Panel recognizes that the Respondent's motives are unlikely to involve attempting to attract the Complainant's customers to engage in gambling on websites operated by the Respondent. It seems unlikely that would be customers of a Texas shopping mall who found themselves redirected to a Malay language gambling site will then proceed to gamble via that website. The Panel considers it more likely that the Respondent's motives have more to do with search engine optimization advantages gained by linking an existing previously used domain name with the gambling sites in question.

However the Panel notes that in any event the list in paragraph 4(b) of the Policy is non exhaustive and takes the view that the registration of the Disputed Domain Name with knowledge of the Complainants' Mark (which the Respondent must have had) is itself evidence of bad faith – see *The Channel Tunnel Group Ltd. v. John Powell*, WIPO Case No. [D2000-0038](#). This is particularly so given that the Respondent has not provided any explanation for its conduct in creating a replica of the Complainant's own website.

The Panel doubts that the principles in the well-known case of *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) apply to the present case. This is not a case of "passive holding". The Disputed Domain Name is being used by the Respondent, as described above.

The Panel further accepts the Complainant's evidence that the Respondent has engaged in the same pattern of conduct in respect of at least nine other domain names incorporating third-party trademarks, in each case replicating the relevant trademark owner's website and diverting sub-domain traffic to the same online gambling services. Numerous UDRP panels have found that such a pattern of registering domain names corresponding to third-party trademarks, for use in a materially identical scheme, is itself evidence of bad faith registration and use. See e.g.; *Volvo Trademark Holding AB v. Cup International Limited*, WIPO Case No. [D2000-0338](#).

Finally, the Panel notes that it is not possible to conceive of any plausible actual or contemplated use of the Disputed Domain Name by the Respondent that would not be illegitimate. The Respondent, having filed no Response, has not availed itself of the opportunity to advance any explanation of good faith, and the Panel infers that none exists.

The Panel accordingly finds that the Disputed Domain Name was registered and is being used in bad faith, and that the third element of paragraph 4(a) 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 <houstoncountygalleria.com> be transferred to the Complainant.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: July 16, 2026