ADMINISTRATIVE PANEL DECISION

Milosevic Inc. v. benny cagroup, cag group
Case No. D2026-3309

1. The Parties

The Complainant is Milosevic Inc., United States of America ("United States"), internally represented.

The Respondent is benny cagroup, cag group, Indonesia.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 27, 2026. On July 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 28, 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 (The RDAP server redacted the value, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 31, 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 July 31, 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 August 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 23, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 25, 2026.

The Center appointed Jeremy Speres as the sole panelist in this matter on August 27, 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

No information is provided in the Complaint concerning the nature of the Complainant's business, other than to state that it is a California, United States corporation that owns the following trademark registrations:

- United States Trademark Registration No. 7870528 LOGIC & RHYTHM in class 42, having a registration date of July 22, 2025, and a use in commerce date of December 7, 2022;

- United States Trademark Registration No. 7870529 LOGIC + RHYTHM in class 42, having a registration date of July 22, 2025, and a use in commerce date of December 7, 2022.

The Panel has, however, in the interests of resolving this matter swiftly, particularly in light of the evidence of bad faith discussed below and the absence of any Response, independently[1] viewed publicly available information concerning the Complainant's business, including its LinkedIn page and the Internet Archive records for the disputed domain name which the record appears to show was previously owned by the Complainant (discussed below). It would appear that the Complainant has operated as a software design and engineering business under the LOGIC & RHYTHM / LOGIC + RHYTHM (jointly referred to hereinafter as "LOGIC & RHYTHM") marks since somewhere between 2020 and 2022.

The disputed domain name was registered on January 11, 2020, and currently redirects to a website with gambling-related content targeted at Indonesian users. The redirected to webpage appears to have adopted the appearance of an Amazon product listing. The Complainant's evidence establishes that the disputed domain name previously resolved to a replica of the Complainant's erstwhile website.

The Parties appear to have engaged in a brief negotiation for the purchase of the disputed domain name, which was initiated by the Complainant, in which the final offer in the unsuccessful negotiation was from the Respondent for USD 10,000.

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 Respondent registered and has used the disputed domain name in bad faith in order to impersonate the Complainant and to take advantage of confusion with the Complainant in order to redirect users to a gambling website for the Respondent's commercial gain.

B. Respondent

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

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[1] In accordance with its powers articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel is entitled to conduct limited independent research into matters of public record. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

6. Discussion and Findings

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 3.1, section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark save for the ampersand is reproduced within the disputed domain name. Accordingly, to the extent that an ampersand or a plus sign cannot be reproduced within domain names, their replacement in the disputed domain name by the term "and" does not prevent a finding of confusing similarity. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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 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.

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.

As discussed further in relation to bad faith below, the disputed domain name has been at some point used for a copycat version of the Complainant's erstwhile website. UDRP panels have categorically held that the use of a domain name for illegal activity, here copycat website, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. The disputed domain name's current use to redirect to a gambling-related site with the appearance of an Amazon product listing page is, as discussed further below, likewise more likely than not intended to capitalise on the likelihood of confusion with the Complainant, which cannot confer rights or legitimate interests.

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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name to take advantage of the likelihood of confusion with the Complainant's mark for the Respondent's commercial gain, falling squarely within paragraph 4(b)(iv) of the Policy.

The Complainant claims to have previously owned the disputed domain name but inadvertently allowed it to lapse. The Complainant has not provided much evidence of this, other than to point out that the WhoIs record contains an "Updated" date in March 2026 and that the purchase negotiations show that the Respondent was in control of the disputed domain name in March 2026, in addition to some captures of its website previously hosted at the disputed domain name. The Panel has nevertheless viewed publicly available WhoIs records, Internet Archive, and hosting history records for the disputed domain name, which appear to support the Complainant's contentions in this regard. The disputed domain name resolved to a website relating to the Complainant's LOGIC & RHYTHM business from as early as 2023. [2] Changes to the disputed domain name's nameservers, hosting IP address, and privacy service name, coupled with the "Updated" date, suggest that a change in control of the disputed domain name occurred circa February-March 2026. The disputed domain name's erstwhile expiry date was in January 2026, which supports that finding.

In the circumstances, and without any evidence from the Respondent to the contrary, it appears likely that the Respondent acquired the disputed domain name upon its expiry circa February 2026, before which the disputed domain name was controlled by the Complainant. In cases where the domain name registration is masked by a privacy or proxy service and the complainant credibly alleges that a relevant change in registration has occurred, panels have held that it would be incumbent on the respondent to provide satisfactory evidence of an unbroken chain of registration; respondent failure to do so has led panels to infer an attempt to conceal the true underlying registrant following a change in the relevant registration. In the absence of any rebuttal by the Respondent, the Panel therefore considers February 2026 the relevant date for assessing bad faith. WIPO Overview 3.1, section 3.9.

The Complainant provided a screenshot dated April 2, 2026,[3] showing that the disputed domain name resolved, at that date, to a replica of the Complainant's own erstwhile website. The Panel notes that after the Respondent acquired the disputed domain name, its name servers changed. This means, in effect, that corresponding new Domain Name System (DNS) records would have had to be configured on the new name servers to cause the disputed domain name to resolve to the replica website. This is thus not a case of the Respondent inadvertently retaining the name servers and thus DNS records of the previous owner of the disputed domain name. By actively choosing or allowing to configure the disputed domain name to resolve to the replica website, the Respondent deliberately sought to impersonate the Complainant. Panels have held that the use of a domain name for illegitimate activity such as a copycat website, as in this case, constitutes bad faith. WIPO Overview 3.1, section 3.4.

The subsequent redirection of the disputed domain name to a gambling-related website with the appearance of an Amazon product listing page that does not appear to use the name "logicandrhythm" similarly supports the finding that there was no good faith intention behind the disputed domain name acquisition and use. Noting its prior use, the dissonance between the composition of the disputed domain name and the content of the website suggests that the disputed domain name was acquired to take advantage of the likelihood of

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[2] "www.web.archive.org/web/20230510091431/https://www.logicandrhythm.com"

[3] The screenshot itself only contains the date "Thu April 2", i.e. without the year. However, the Panel notes that one of the attachments to the Complainant's settlement email to the Respondent of April 2, 2026, appears to be the same screenshot, and the file name is "2026-04-02". The Panel also notes that April 2, 2026, was indeed a Thursday.

confusion between the disputed domain name and the Complainant who was its prior owner as to the origin of the associated website, which again points to bad faith.

In the circumstances of this case, the Panel draws an adverse inference from the Respondent's failure to take part in the present proceedings where an explanation is certainly called for. WIPO Overview 3.1, section 4.3.

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 <logicandrhythm.com> be transferred to the Complainant.

/Jeremy Speres/
Jeremy Speres
Sole Panelist
Date: August 31, 2026