

ADMINISTRATIVE PANEL DECISION

Another Planet Entertainment, LLC v. James Birt
Case No. D2026-3881

1. The Parties

The Complainant is Another Planet Entertainment, LLC, United States of America ("United States"), internally represented.

The Respondent is James Birt, United States.

2. The Domain Name and Registrar

The disputed domain name <anotherplanetentsf.com> (the "Disputed Domain Name") 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 August 29, 2026. On August 31, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 31, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 September 2, 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 September 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 23, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 24, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on September 24, 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, a United States limited liability company established in 2003, is an independent, locally-owned and operated, full-service concert production company located in the San Francisco Bay Area, California, United States. The Complainant promotes music events 52 weeks a year in venues ranging from clubs to stadiums to multi-day festivals.

The Complainant owns registered trademarks through the United States Patent and Trademark Office (“USPTO”) for the following: ANOTHER PLANET, United States Registration No. 3,194,031, registered on January 2, 2007, with a first use in commerce of August 16, 2003, in International Class 25; ANOTHER PLANET, United States Registration No. 3,196,719, registered on January 9, 2007, with a first use in commerce of August 16, 2003, in International Class 41; ANOTHER PLANET, United States Registration No. 3,194,029, registered on January 2, 2007, with a first use in commerce of August 16, 2003, in International Class 16 (hereinafter referred to as the “ANOTHER PLANET Mark”). The ANOTHER PLANET Mark has been used continuously in commerce, accumulating substantial goodwill and brand recognition throughout the United States during the past 23 years.

The Complainant also owns registered trademarks through the USPTO for the following: ANOTHER PLANET ENTERTAINMENT, United States Registration No. 3,194,032, registered on January 2, 2007, with a first use in commerce of August 16, 2003, in International Class 25; ANOTHER PLANET ENTERTAINMENT, United States Registration No. 3,196,722, (disclaiming “ENTERTAINMENT”), registered on January 9, 2007, with a first use in commerce of August 16, 2003, in International Class 41; and ANOTHER PLANET ENTERTAINMENT, United States Registration No. 3,194,030, registered on January 2, 2007, with a first use in commerce of August 16, 2003, (disclaiming “ENTERTAINMENT”), in International Class 16.

The Disputed Domain Name was registered on January 3, 2025, and resolves to a webpage at “www.anotherplanetentsf.com”. The top of the page contains the ANOTHER PLANET Mark as part of the banner “ANOTHER PLANET ENTERTAINMENT SF”. Below the banner is the heading “Launching Soon” and at the bottom is a false copyright notice using “Another Planet Entertainment SF” name. After arriving at the site, visitors are able to submit a question via a “Contact Us” form with their name, email, and message, and then are encouraged to sign up for an email list to obtain information, updates and promotions. After signing up, visitors receive an email from “Another Planet Entertainment”, asking users to confirm and thanking them for their subscription to the mailing list. Screenshots of the resolving webpage and subscription confirmation email generated were submitted as an Annex to the Complaint.

The Respondent also used the Disputed Domain Name to perpetuate a fraudulent scheme in which the Respondent created an email address incorporating the Disputed Domain Name and used the email address “[...]@anotherplanetentsf.com” to impersonate the Complainant’s executive and/or staff and send fraudulent emails purportedly from the Complainant to several festival organizers. Specifically, individuals impersonating executives and staff of the Complainant sent unsolicited email requests incorporating the Disputed Domain Name to festival organizers, talent agencies, and other members of the entertainment industry in an attempt to gain access to personal information, data, and exclusive events, as well as to obtain permission to visit various private areas at the festivals and venues. Using the Disputed Domain Name to create such fraudulent email addresses, the Respondent impersonated the Complainant’s employees to contact staff at the Coachella Music Festival in California, the Ultra Music Festival in Miami, Lollapalooza in Chicago, and most recently the Kia Forum in Los Angeles to receive exclusive access to those events. Copies of the fraudulent email chain were submitted as an Annex to the Complaint.

On August 13, 2026, the Complainant's counsel sent a cease-and-desist letter to the Respondent's email addresses created by the Respondent to impersonate the Complainant's staff using the Disputed Domain Name, and demanding that the Respondent cease the use of the Complainant's trademarks and the Respondent's website and email addresses incorporating the Disputed Domain Name. The letter included copies of the fraudulent emails, composed on the Complainant's official letterhead, from the Respondent to staff at several music festivals, as well as a copy of the home page of the Respondent's fraudulent website. It does not appear that the Complainant received a reply to its cease-and-desist demand letter.

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 ANOTHER PLANET Mark because the Disputed Domain Name contains the ANOTHER PLANET Mark in its entirety;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, among other things, the Disputed Domain Name resolves to a website that attempts to pass off as the Complainant's website, and the Respondent engaged in a fraudulent scheme in which the Respondent sent emails incorporating the Disputed Domain Name to members of the entertainment industry, falsely claiming to be an executive of the Complainant; and
- the Disputed Domain Name was registered and is being used in bad faith because, among other things, the Respondent has intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complainant's ANOTHER PLANET Mark.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in this proceeding:

- (i) the Disputed Domain Name is identical 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; and
- (iii) the Disputed Domain Name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the ANOTHER PLANET Mark, differing only by the addition of the terms “ent” and “sf”, common abbreviations for the terms “entertainment” and “San Francisco”, respectively.

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

It is uncontroverted that the Complainant has established rights in the ANOTHER PLANET Mark based on its years of use as well as its registered trademarks for the ANOTHER PLANET Mark in the United States. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the [WIPO Overview 3.1](#), “[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case”. Thus, the Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the ANOTHER PLANET Mark.

The Disputed Domain Name consists of the ANOTHER PLANET Mark in its entirety, followed by the terms “ent” and “sf”, then followed by the generic Top-Level Domain (“gTLD”) “.com”. The test for confusing similarity involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. Here, the ANOTHER PLANET Mark is recognizable within the Disputed Domain Name. As stated in section 1.8 of [WIPO Overview 3.1](#), “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical [...] or otherwise) would not prevent a finding of confusing similarity under the first element”. Thus, the addition of the terms “ent” and “sf” to the Complainant’s ANOTHER PLANET Mark in the Disputed Domain Name does not prevent a finding of confusing similarity. See *BHP Billiton Innovation Pty Ltd v. Oloyi*, WIPO Case No. [D2017-0284](#).

Finally, the addition of a gTLD such as “.com” in a domain name is a technical requirement. Thus, it is well established that, as here, such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.1](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s ANOTHER PLANET Mark.

Based on the available record, the Panel finds that 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.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests. The Respondent has not submitted any arguments or evidence to rebut the Complainant's prima facie case. Furthermore, the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its ANOTHER PLANET Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

Moreover, the Panel finds that the Respondent lacks rights or legitimate interests in respect of the Disputed Domain Name based on the composition of the Disputed Domain Name and the Respondent's incorporation of the Disputed Domain Name into fraudulent emails sent to members of the entertainment industry, falsely claiming to be an executive of the Complainant, requesting access to admission and/or exclusive entry into private areas of specific performance venues. Additionally, the Disputed Domain Name's resolving website and the subscription to the "Another Planet Entertainment" mailing list would cause visitors to incorrectly believe that they arrived at a site affiliated with or endorsed by the Complainant; such conduct fails to give rise to any rights or legitimate interests with respect to the Disputed Domain Name.

The Panel concludes that nothing on the record before it would support a finding that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name.

Based on the available record, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(a)(iii) of the Policy.

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 3.1](#), section 3.2.1.

First, the Panel finds that the Respondent must have had actual knowledge of the Complainant and its rights in the ANOTHER PLANET Mark when registering the Disputed Domain Name, emblematic of bad faith registration and use. It strains credulity to believe that the Respondent did not know of the Complainant or its well-known ANOTHER PLANET Mark as evidenced by the Respondent's use of the trademark in the Disputed Domain Name and its subsequent use. Thus, the Panel finds that in the present case, the Respondent had the Complainant's ANOTHER PLANET Mark in mind when registering and using the Disputed Domain Name.

Second, the Respondent's registration and use of the Disputed Domain Name indicates that such registration and use had been done for the specific purpose of targeting the Complainant, specifically when creating a fraudulent email address incorporating the Disputed Domain Name to impersonate the Complainant's executives in furtherance of a fraudulent scheme, indicating bad faith registration and use.

Third, the use of a domain name to intentionally attempt to attract Internet users to a respondent's website or online location by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of the registrant's website or online location for commercial gain demonstrates registration and use in bad faith. Here, the Respondent's registration and use of the Disputed Domain Name indicates that such registration and use had been done for the specific purpose of trading upon and targeting the reputation, name, mark, and goodwill of the Complainant. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. [D2000-0847](#) ("[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark for commercial gain.").

Moreover, the Panel concludes that the Respondent's registration of the Disputed Domain Name was an attempt to disrupt the Complainant's business as well as that of the third parties contacted by the Respondent. The Respondent's use of the Disputed Domain Name was also likely to confuse Internet users into incorrectly believing that the Respondent was authorized or sponsored by or affiliated with the Complainant.

In sum, the Panel concludes that the circumstances of this case, including, but not limited to, the Respondent's use of an email address incorporating the Disputed Domain Name to impersonate the Complainant, and the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, support an inference of bad faith.

Based on the available record, the Panel finds that the third element 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 <anotherplanetentsf.com> be transferred to the Complainant.

/Lynda M. Braun /

Lynda M. Braun

Sole Panelist

Date: September 25, 2026