ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
MetaCDN Pty Ltd v. David Carter, Gregori Martens
Case No. D2026-4251

1. The Parties

The Complainant is MetaCDN Pty Ltd, Australia, internally represented.

The Respondents are David Carter, Latvia (the "First Respondent") and Gregori Martens, BetHub, Latvia (the "Second Respondent").

2. The Domain Names and Registrars

The disputed domain names <streamshark.org> and <streamshark.tech> are registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 22, 2026. On September 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 23, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Withheld for Privacy ehf (privacy service)) and contact information in the Complaint.

The Center sent an email communication to the Complainant on September 24, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on September 28, 2026.

The Center verified that the Complaint together with the amended 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 Respondents of the Complaint, and the proceedings commenced on September 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 20, 2026.

The Center appointed Steven A. Maier as the sole panelist in this matter on October 26, 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. Preliminary Matters – Identity of Respondents and Consolidation of Complaints

The First Respondent and the Second Respondent are registrar-disclosed registrants of the disputed domain names <streamshark.org> and <streamshark.tech> respectively. However, the Complainant contends that the organizations designated on the disputed domain name websites are also proper respondents in the proceeding, having a beneficial interest in both of the disputed domain names. Noting the Rules identify the Respondent as "the holder of a domain-name registration against which a complaint is initiated" and the limited information about the organizations referenced by the Complainant, the Panel considers the First Respondent and Second Respondent confirmed by the Registrar to be the Respondent in this proceeding.

The Complainant further contends that the proceedings in respect of the two disputed domain names should be consolidated, on the basis that the disputed domain names or corresponding websites are subject to common control, and the consolidation would be fair and equitable to all parties (WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.11.2).

The Complainant provides evidence, by way of screen captures dated August 25, 2026, that both of the disputed domain names have resolved to near-identical websites, offering a VPN application for download. Both websites were headed "StreamSharkVPN – Advanced Security. Unlimited Streaming. No Limits" and contained similar sports-related imagery and promotional information.

The Complainant also challenges the bona fides of the registration details of the First Respondent and Second Respondent, on the basis that neither appears to have any connection with the disputed domain names, and their registration details appear to be inaccurate.

In the view of the Panel, the evidence of the Respondents' websites is sufficient to conclude, that the disputed domain names are under common control. The Panel also notes additional evidence connecting the disputed domain names, such as the stated location of both the First and Second Respondents in Riga, Latvia, and a commonality of the Registrar, privacy service, and nameservers. Moreover, the Complainant provides evidence that the email address disclosed for the disputed domain name <streamshark.org> is the developer contact email address for the product promoted at both websites, and that the disputed domain name <streamshark.tech> appears as the billing descriptor for the same application.

Further, the Panel is aware of no reason why it would not be fair and equitable to consolidate the complaints in respect of the disputed domain names.

The Panel determines that the complaints in respect of the two disputed domain names be consolidated.

The First Respondent and Second Respondent will be referred to collectively as the Respondent in the remainder of this Decision.

5. Factual Background

The Complainant is a company registered in Australia. It is a provider of live streaming and video-on-demand services under the name and trademark STREAMSHARK.

The Complainant is the owner of various registrations for the trademark STREAMSHARK, including for example the following:

- Australia trademark registration number 1709820 for the word mark STREAMSHARK, registered on July 29, 2015 in International Classes 38 and 42;

- International trademark registration number 1424093 for the word mark STREAMSHARK, registered on August 3, 2018 in International Classes 38 and 42, and designating the European Union, the United Kingdom and the United States; and

- United States trademark registration number 5736532 for the word mark STREAMSHARK, registered on April 30, 2019 in International Classes 38 and 42.

The Complainant operates a website at "www.streamshark.io".

The disputed domain name <streamshark.org> was registered on April 23, 2026. The disputed domain name <streamshark.tech> was registered on August 5, 2026.

As stated above, as of August 25, 2026, both of the disputed domain names resolved to near-identical websites, offering a service named "StreamSharkVPN" for download. As of the date of this Decision, both of the disputed domain names resolve to near-identical websites, offering a similar service as previously, but under the name "StreamFun VPN".

6. Parties' Contentions

A. Complainant

The Complainant states that it was established in 2011 and has traded under the STREAMSHARK name and mark since 2015, providing broadcasting, webcasting and streaming services to enterprise customers globally. Its website at "www.streamshark.io" lists high-profile businesses including WhatsApp, Meta, Shopify, Groupon, and Activision among its customers.

The Complainant submits that the Respondent's "StreamSharkVPN" application was published on the Apple App Store and Google Play on or about June 13, 2026, offering a subscription-based service, billable via third-party payment service. The Complainant states that it submitted a trademark objection letter to Google Play, and exhibits an email dated August 26, 2026 received from an email address associated with <streamshark.org>, stating that it apologized for any confusion caused and was ready to change the name of its service and "transition to a new domain" within 48-72 hours. The email requested that the Complainant withdraw its complaint to Google Play while the rebranding was completed.

The Complainant submits that, since the launch of the Respondent's application, the Complainant has received a growing volume of support tickets from subscribers to the Respondent's service who have been confused into believing they are dealing with the Complainant. The Complainant says that, between August 19 and September 2, 2026, at least 22 of the 37 support tickets that it received related to the Respondent's app, and included disputed and unrecognized credit card charges, complaints of an inability to cancel subscriptions, and refund demands. It states that, despite the Respondent's email of August 26, 2026, and the Respondent's subsequent rebranding to "StreamFun", both of the disputed domain names have continued to resolve to the Respondent's websites and the Complainant has continued to receive complaints intended for the Respondent.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

The Complainant submits that both of the disputed domain names are identical to its STREAMSHARK trademark. It states that the Top-Level Domains ("TLDs") ".org" and ".tech" are to be disregarded for the purposes of comparison under the first element of the Policy.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names. It states that it has never licensed or authorized the Respondent to use its STREAMSHARK trademark, that the Respondent has not been commonly known by the disputed domain names, and that the Respondent is making neither bona fide commercial use, nor legitimate noncommercial or fair use, of the disputed domain names. It asserts that, instead, the Respondent has registered domain names that are identical to the Complainant's trademark, and has used them to impersonate the Complainant and to divert Internet users to its websites for commercial gain.

The Complainant submits that both of the disputed domain names have been registered and are being used in bad faith. It asserts that its STREAMSHARK trademark is a distinctive, invented, term with no dictionary meaning, and that the Complainant had used that mark, and obtained its trademark registrations, many years before the Respondent registered the disputed domain names. The Complainant states that the Respondent operates in the same commercial sector as the Complainant, and cannot credibly claim not to have been aware of the Complainant or its trademark, or that the disputed domain names were registered purely by coincidence. It adds that a search for the term STREAMSHARK on any major search engine would have produced results prominently identifying the Complainant, and that the disputed domain names have no plausible meaning other than to refer to the Complainant and its services.

The Complainant submits that, although the Respondent has acknowledged the confusion caused by the disputed domain names and has rebranded its service, it has continued to use the disputed domain names for the purpose of its websites, and the Complainant has continued to receive complaints intended for the Respondent. The Complainant contends that the Respondent clearly registered and has used the disputed domain names in order to take unfair advantage of the Complainant's established trademark rights, and that the complaints that have arisen from the Respondent's misleading conduct have consumed its support channels and caused damage to its business.

The Complainant adds that the Respondent's attempt to link its rebranding to the Complainant withdrawing its Google Play complaint, it failure to address at the same time any transfer of the disputed domain names, and its deceptive behaviour concerning the registration details for the disputed domain names, all further support an inference of registration and use of the disputed domain names in bad faith.

The Complainant requests the transfer of the disputed domain names.

B. Respondent

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

7. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

(i) the disputed domain names are 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 names; and

(iii) the disputed domain names have been registered and are 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 has demonstrated that it is the owner of registered trademark rights in the mark STREAMSHARK. Each of the disputed domain names is identical to that trademark, but for the TLDs ".org" and ".tech" respectively, which may typically be disregarded for the purposes of comparison.

The Panel therefore finds that the first element under the Policy is 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Panel finds, moreover, that the Respondent registered and has used the disputed domain names in a deceptive manner, intended to take unfair advantage of the Complainant's trademark rights. Such conduct cannot give rise to rights or legitimate interests in the disputed domain names on the part of the Respondent. As discussed in WIPO Overview 3.1, section 2.5.1: "Generally speaking, UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation."

The Panel therefore finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel accepts the Complainant's evidence that it has used the trademark STREAMSHARK in commerce since 2015. The Panel finds, further, that the mark is distinctive in nature: while it comprises the combination of two dictionary words, "stream" and "shark", those terms together bear no dictionary or common meaning, and there is no evidence that they have any function in commerce other than to identify the Complainant's services. The Panel accepts, moreover, that the mark has obtained a level of international reputation in the field of broadcasting, webcasting, and streaming services.

The disputed domain names are identical to the Complainant's STREAMSHARK trademark. In this instance, where the Complainant's trademark comprises an inherently distinctive term, which appears to be referable

only to the Complainant in commerce, the Panel finds it highly likely that Internet users will assume the disputed domain names to be owned or operated by, or otherwise legitimately affiliated with, the Complainant.

The Respondent in this case has offered no explanation for its choice of the disputed domain names, which were registered over a decade after the Complainant began using its STREAMSHARK trademark. The disputed domain names have, moreover, been used to promote a VPN service, originally named "StreamSharkVPN", which occupies a related market segment to that in which the Complainant operates. The Panel therefore considers it more likely than not that the Respondent was aware of the Complainant's STREAMSHARK trademark when it registered the disputed domain names and, moreover, that it did so with a view to taking unfair commercial advantage of the Complainant's established goodwill in that trademark, by misrepresenting to Internet users that its VPN product was legitimately affiliated with the Complainant.

Furthermore, the Complainant has in this case clearly established not only hypothetical but actual consumer confusion, by virtue of having received a substantial volume of complaints about the Respondent and its services.

While the Respondent responded to the Complainant's complaint to Google Play in August 2026 and subsequently changed the name of its product to "StreamFun VPN", it has continued to use the disputed domain names, which are identical to the Complainant's distinctive trademark, to offer its own commercial product. The Panel therefore finds there to be nothing in the Respondent's conduct to undermine the strong inference that it both registered and has used the disputed domain names for the purpose of targeting the Complainant's STREAMSHARK trademark for its own commercial benefit.

The Panel therefore finds that, by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its websites or of products or services on its websites (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the third element under the Policy has been established.

8. 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 names, <streamshark.org> and <streamshark.tech>, be transferred to the Complainant.

/Steven A. Maier/
Steven A. Maier
Sole Panelist
Date: November 9, 2026