

ADMINISTRATIVE PANEL DECISION

Newsmax Media, Inc v. Ana Katherina Figueroa, Transfinance
Case No. DAI2026-0074

1. The Parties

The Complainant is Newsmax Media, Inc, United States of America ("United States"), represented by Safenames Ltd, United Kingdom.

The Respondent is Ana Katherina Figueroa, Transfinance, United States, represented by Zwelling Law, PLLC, United States.

2. The Domain Name and Registrar

The disputed domain name <newsmax.ai> 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 July 27, 2026. On July 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 30, 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 August 3, 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 amended Complaint on August 6, 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 Respondent of the Complaint, and the proceedings commenced on August 12, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was September 1, 2026. The Response was filed with the Center on September 1, 2026.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on September 9, 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, based in Florida, United States, is a multi-media broadcasting, digital publishing company. It operates a cable news channel, websites, and a streaming service under the NEWSMAX mark, for which it has registered the following trademarks:

- United States Trademark Registration No. 3177090 for NEWSMAX (word mark), registered on November 28, 2006 for goods in class 16;
- United States Trademark Registration No. 4708616 for NEWSMAX (word mark), registered on March 24, 2015 for services in class 38; and
- European Union Trade Mark No. 010951192 for NEWSMAX (word mark), registered on October 24, 2012 for goods and services in classes 9, 16, 38 and 41.

The Complainant operates a news website at the domain name <newsmax.com>. It also operates streaming platforms at the domain names <newsmaxtv.com> and <newsmaxplus.com>.

The disputed domain name was registered on February 7, 2023. At the time of the Decision, and before the Complaint was filed, it resolved to a website featuring pay-per-click (“PPC”) links, including those for “Newsmax News” and “Newsmax Magazine”. The record indicates that, at the time of the Complaint, it did not resolve to an active website.

The record reflects that, on June 11, 2026, the Complainant sent a cease-and-desist letter to the Respondent via a privacy email and the Registrar’s contact form. The record does not reflect a response thereto.

The Respondent is identified as a private individual residing in the United States. According to information in the Response, she has registered at least two domain names with “.ai” country code Top-Level Domains (ccTLDs), including the disputed domain name. The record does not contain any further information about her activities.

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 NEWSMAX has become a well-known and influential news source, particularly for Americans with politically conservative views. The NEWSMAX news channel is carried by all major cable systems and reached over 16 million viewers in the month of April 2026. The Complainant employs approximately 500 people and was listed on the New York Stock Exchange in 2025. The mark has been extensively promoted, including on all major social media platforms, and has acquired significant goodwill and recognition globally.

The disputed domain name is identical to the Complainant's mark and was registered over 16 years after the registration of that mark. The Respondent is not associated with the Complainant and has no rights in the NEWSMAX mark, nor is the Respondent making any use of the disputed domain name. Rather, the disputed domain name previously was used to display PPC links and later was passively held in bad faith. Considering the strong reputation and recognition of the Complainant's NEWSMAX mark, it is inconceivable that the Respondent registered it for any purpose other than targeting the Complainant's trademark. Finally, the Respondent failed to respond to the Complainant's cease-and-desist letter.

The Complainant requests transfer of the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name. Her arguments, set forth across 155 paragraphs, may be summarized as follows:

The Respondent does not dispute that the Complainant possesses earlier trademark rights in the NEWSMAX mark and that the disputed domain name corresponds to that mark.

The Complainant has not proved that the Respondent's purpose in registering the disputed domain name was to target the Complainant. The Respondent contends that she selected the disputed domain name as part of a strategy to acquire domain names perceived as potentially useful or valuable in the emerging artificial intelligence namespace. In support of this, the Respondent submits evidence that she registered another ".ai" domain name less than two hours after registering the disputed domain name, demonstrating that she was engaged in ".ai" domain-acquisition activity at the time of registration.

The Complainant has not proved that, under the totality of the circumstances, the Respondent targeted the Complainant's mark. The Complaint fails to identify evidence establishing that the Respondent took action to establish the PPC links. The Respondent contends that she did not intentionally configure the PPC links, nor did she enable a registrar feature necessary to generate revenue. The PPC links were entirely automated and do not constitute affirmative conduct demonstrating deliberate trademark exploitation.

The Complainant has not provided evidence that the Respondent sought to sell it the disputed domain name, nor that the Respondent engaged in a pattern of such conduct, nor that the Respondent is a competitor of the Complainant and acted to disrupt the Complainant's business.

The Respondent's failure to respond to the Complainant's cease-and-desist letter, which was sent three years after the registration of the disputed domain name, does not establish the Respondent's subjective intention in registering the disputed domain name. The notice was forwarded to the Respondent by the Registrar along with cautions about possible scammers sending such notices and assurances that the Respondent was under no obligation to respond as the Registrar could not vouch for the legitimacy of the communication.

The Complainant has not proved passive holding by failing to prove the Respondent's intent as of the registration date.

The Complainant requests denial of the Complaint.

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (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 Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

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 Parties do not dispute that 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.

Similarly, the Parties do not dispute that the entirety of the Complainant’s NEWSMAX mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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.

The Respondent argues that she was engaged in the business of securing “.ai” domain names that might be useful or valuable, and that this activity provides a basis for asserting rights or legitimate interests. In support of this contention, she provides evidence of the registration of a second, unrelated “.ai” domain name less than two hours after the registration of the disputed domain name. Further, the Respondent argues that the Complaint does not establish her awareness of the Complainant’s mark, nor her intention to target it.

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, the Panel finds that the evidence in the Complaint supports a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, and that 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.

The Panel notes that the disputed domain name reflects the Complainant’s well-established NEWSMAX mark in its entirety and also mirrors the composition of the Complainant’s domain name <newsmax.com>. Here the disputed domain name is <newsmax.ai>. Such a composition carries a high risk of implied affiliation with the Complainant, which is inconsistent with a finding that the Respondent has rights or

legitimate interests in the disputed domain name. See [WIPO Overview 3.1](#), section 2.5.1. The Respondent does not provide any explanation for the selection of this particular domain name, other than the fact that it has a “.ai” TLD. The Panel does not find that such circumstances support a finding of rights or legitimate interests in the disputed domain name.

UDRP panels have accepted that aggregating and holding domain names (usually for resale) consisting e.g., of acronyms, dictionary words, common phrases, or unique/catchy or memorable terms (alone or in combination) can be bona fide and is not per se illegitimate under the UDRP as long as the purpose of the registration was not to target a trademark. [WIPO Overview 3.1](#), section 2.10. In this case, the Panel finds that the available evidence concerning the registration of the disputed domain name which is identical to the Complainant’s trademark, does not support a finding that the Respondent has rights or legitimate interests.

The Panel further notes that, at time of the Decision and at some time prior to the filing of the Complaint, the disputed domain name resolved to a site featuring PPC links related to the Complainant’s business. Panels have found that the use of a domain name featuring PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark. While the Panel notes the Respondent’s contention that the PPC links were not established at her instruction, the Panel finds that the Respondent is responsible for the content appearing on the website. On this record, the Panel finds that such use does not establish rights or legitimate interests. [WIPO Overview 3.1](#), section 2.9.

The Panel finds that the previous period of non-use of the disputed domain name does not provide a basis for establishing rights or legitimate interests. On the available record, the Panel is unable to find that the Respondent is commonly known by the disputed domain name nor that the Respondent is making legitimate noncommercial or fair use of it.

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.

The Respondent argues that the Complainant has not proved that she targeted the Complainant’s mark by seeking to sell it nor by attempting to disrupt the Complainant’s business. According to the Response, the Complainant has provided no evidence of the Respondent’s bad-faith intent at the time of registration of the disputed domain name. Additionally, the Respondent argues that she did not respond to the Complainant’s cease-and-desist letter in the belief that the communication may not be authentic.

The Panel has carefully reviewed the available record and finds the following. The disputed domain name was registered more than 16 years after the Complainant first registered its NEWSMAX trademark, in respect of which the Complainant has provided evidence of broad use and reputation. The disputed domain name is identical to the Complainant’s mark and therefore implies a connection to the Complainant. On this record, the Panel finds the Respondent’s arguments and evidence regarding bad faith to lack credibility, and finds that the registration and use of the disputed domain name was in bad faith. Even if, as the Respondent states, her intention was to register “.ai” domain names that are potentially useful or valuable, such an argument only strengthens the finding that the value of the disputed domain name is based on its identity with the Complainant’s mark.

Under these circumstances, the Panel finds that the disputed domain name was registered in bad faith. [WIPO Overview 3.1](#), section 3.1.

The record indicates that, at some time in the past, the disputed domain name was inactive. Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Further, the Panel finds that, on the available record, the use of the disputed domain name to resolve to a website featuring PPC links related to the Complainant's business is a further indication of bad faith use of the disputed domain name. As previously noted, the record does not contain any evidence that the Respondent sought to suppress such advertising nor that there are any other known circumstances that would mitigate a finding of bad faith. In any event, a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name. [WIPO Overview 3.1](#), section 3.5.

The Panel accepts that the Respondent may well have failed to respond to the Complainant's cease-and-desist letter out of an excess of caution. However, considering the totality of the circumstances, the Panel finds that the disputed domain name was registered and used in bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

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 <newsmax.ai> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: September 23, 2026