

## **ADMINISTRATIVE PANEL DECISION**

MAV Media, LLC v. Host Master, 1337 Services LLC

Case No. DIO2025-0011

### **1. The Parties**

The Complainant is MAV Media, LLC, United States of America ("U.S."), represented Silverstein Legal, U.S.

The Respondent is Host Master, 1337 Services LLC, Saint Kitts and Nevis.

### **2. The Domain Name and Registrar**

The disputed domain name <dirtyroulette.io> is registered with Sarek Oy (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 7, 2025. On April 8, 2025, the Center transmitted by email to the Registrar and to the .IO Registry on April 16, 2025, a request for registrar verification in connection with the disputed domain name. On May 13, the .IO Registry 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 15, 2025, 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 May 15, 2025.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the "Policy"), the Rules for .IO Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .IO 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 May 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 12, 2025.

The Center appointed Alfred Meijboom as the sole panelist in this matter on June 16, 2025. 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 operates a video chat platform and is owner of U.S. trademark DIRTYROULETTE with registration number 5,109,884 of December 27, 2016, for services in class 38.

The Respondent registered the disputed domain name on November 26, 2023. The disputed domain name resolves to a website which offers the video chat platform of a competitor of the Complainant.

#### 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 identical to its DIRTYROULETTE trademark, because the disputed domain name fully and solely incorporates the trademark while the Top-Level Domain ("TLD") should be disregarded.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Complainant has never licensed or otherwise authorized the Respondent to use its DIRTYROULETTE trademark for any purpose, and the Respondent is also not commonly known under the disputed domain name. The Complainant also contends that the disputed domain name offers services in direct competition with the Complainant's services, which use of the disputed domain name is not a bona fide offering of goods or services under Policy.

The Complainant contends that the disputed domain name was registered in bad faith because there is no benign reason for the Respondent to have registered the disputed domain name and it is clear that the Respondent registered the disputed domain name to target the Complainant's DIRTYROULETTE trademark. According to the Complainant the Respondent registered and is using the disputed domain name primarily to profit from and exploit the Complainant's DIRTYROULETTE trademark by misdirecting Internet users to its own website with competing video chat services. The Complainant contends that its bad faith allegations, combined with the Respondent's lack of rights or legitimate interests in the disputed domain name, should lead to the inevitable conclusion that there is no plausible circumstance under which the Respondent could legitimately register or use the disputed domain name and thus the disputed domain name was registered in bad faith and is also being used by the Respondent in bad faith.

##### B. Respondent

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

#### 6. Discussion and Findings<sup>1</sup>

The Respondent did not file a Response. However, as set out in section 4.3 of [WIPO Overview 3.0](#), the consensus view of UDRP panels is that the respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in

---

<sup>1</sup> As the criteria under the .IO Policy are similar to the criteria under the Uniform Domain Name Dispute Resolution Policy (UDRP), the Panel considers that the principles as developed under the UDRP (notably including the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)") may be applied where appropriate under the .IO Policy (e.g., *Sony Interactive Entertainment Europe Limited v. Host Master, 1337 Services LLC*, WIPO Case No. [DIO2020-0013](#)).

order to succeed in this proceeding. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered or 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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

It is well established that the TLD – in the present case “.io” – may be disregarded in the assessment under paragraph 4(a)(i) of the Policy ([WIPO Overview 3.0](#), section 1.11.1). When ignoring the TLD, the Panel finds that the disputed domain name is identical to the DIRTYROULETTE trademark.

Based on the available record, the Panel finds the first element of paragraph 4(a) of the Policy has been met.

#### **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 proceedings under the .IO Policy is on the complainant, panels have recognized that proving 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 3.0](#), section 2.1.

The Panel takes note of the various allegations of the Complaint and in particular, that no authorization has been given by the Complainant to the Respondent to use the DIRTYROULETTE trademark to register the disputed domain name and that the Respondent has not been commonly known by the disputed domain name. These allegations of the Complainant remain unchallenged. There is no evidence before the Panel to show that the Respondent has rights or legitimate interests in the disputed domain name. On the contrary did the Complainant submit that the disputed domain name resolves to a website which offers access to a video chat platform of a competitor of the Complainant. The Respondent's use of the Complainant's trademark to redirect users to a competing website does not support a claim to rights or legitimate interests. [WIPO Overview 3.0](#), section 2.5.3.

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

### **C. Registered or Used in Bad Faith**

Unlike the UDRP, which requires that Complainant proves both bad faith registration and use, under the .IO Policy, it is sufficient that the Complainant proves either registration or use of the disputed domain name in bad faith.

In the present case, the Panel finds that the disputed domain name was registered in bad faith. The Complainant's DIRTYROULETTE trademark was registered well before the registration of the disputed domain name, and that the disputed domain name was used to resolve to a website which offers a video chat service, which is similar to the one the Complainant offers under the DIRTYROULETTE trademark, from which the Panel infers that it is very likely that the Respondent targeted the Complainant's DIRTYROULETTE trademark when it registered the disputed domain name, and must therefore have been aware of the Complainant's DIRTYROULETTE trademark at that time. [WIPO Overview 3.0](#), section 3.2.2.

Although the Panel is not formally required to rule on the use of the disputed domain name in bad faith under the Policy, the Panel nevertheless finds that the Respondent's use of the disputed domain name to redirect Internet users to its own website, which offers services that directly compete with those of the Complainant, constitutes use of the disputed domain name in bad faith.

Consequently, the Panel finds that the Complainant has also satisfied the third requirement of paragraph 4(a) 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 <dirtyroulette.io> be transferred to the Complainant.

*/Alfred Meijboom/*

**Alfred Meijboom**

Sole Panelist

Date: June 26, 2025