

ADMINISTRATIVE PANEL DECISION

Hearst Communication, Inc. v. John Martin, Alex Martin LLC
Case No. DPH2025-0005

1. The Parties

The Complainant is Hearst Communication, Inc., United States of America (“United States”), represented by Maureen Walsh Sheehan, United States.

The Respondent is John Martin, Alex Martin LLC, United States.

2. The Domain Name and Registrar

The disputed domain name <harpersbazaar.com.ph> is registered with DotPH (the “Registry”) through NameCheap, Inc. (“the Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 22, 2025. On August 25, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On August 28, 2025, the 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 29, 2025, providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on September 3, 2025.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the dotPH Domain Name Dispute Resolution Policy (the “Policy”), the .PH Uniform Dispute Resolution Implementation Rules (the “Rules”), and the WIPO Supplemental Rules for .PH (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 6, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was October 26, 2025. The Center notified the Respondent’s default on October 29, 2025.

The Center appointed Evan D. Brown as the sole panelist in this matter on November 5, 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 is in the business of diversified media, information, and services. Through its division, Hearst Magazines, it publishes numerous magazines worldwide, including HARPER'S BAZAAR, the first women's fashion magazine in the United States, launched in 1867. The publication has become a major style resource for women, reaching over 3 million print readers monthly, more than 7 million website visitors, and over 20 million social media followers.

It owns the trademark HARPER'S BAZAAR, for which it enjoys the benefits of registration (e.g., United States Reg. No. 274802, registered on September 9, 1930). The Complainant owns the domain name <harpersbazaar.com>.

According to the Whois records, the disputed domain name was registered on February 19, 2024. The Respondent has used the disputed domain name to operate a website that imitates the authentic HARPER'S BAZAAR brand. The site copies the Complainant's logos, design, and content to – as the Complainant asserts – mislead users into believing it is affiliated with the legitimate HARPER'S BAZAAR publication.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.7. ¹ The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the

¹The requirements of the Policy are essentially the same as those under the Uniform Domain Name Dispute Resolution Policy ("UDRP") thus the Panel finds it appropriate to rely on the [WIPO Overview 3.0](#) and previous decisions by Panels under the UDRP in determining the outcome of this case.

complainant's trademark and the disputed domain name. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the HARPER'S BAZAAR mark by providing evidence of its trademark registrations. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name incorporates the HARPER'S BAZAAR mark in its entirety, without modification (other than by necessity omitting the apostrophe and the space between the words). It is standard practice when comparing a disputed domain name to a complainant's trademarks, to not take the Top-Level Domain ("TLD") into account. See [WIPO Overview 3.0](#) at 1.11.1 ("The applicable [TLD] in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.") Under these standards, the disputed domain name is identical to the Complainant's mark.

The Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts that the disputed domain name was registered to mislead and deceive the Complainant's actual and potential website visitors, and that there is no reason to believe the Respondent will cease to conduct fraudulent activities using the disputed domain name.

Though the assertions under this element are sparse, the Panel finds that the Complainant has made the required *prima facie* showing. The Respondent has not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondent's favor. The use of a domain name for illegal activity such as impersonation or passing off, can never confer rights or legitimate interests on a respondent. *Société des Produits Nestlé S.A. v. Great Homes, jobs-nestle.com*, WIPO Case No. [D2024-2911](#); [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

The Complainant contends that the Respondent used the disputed domain name to create a website designed to mislead users and create confusion with the Complainant's HARPER'S BAZAAR mark. The use of the Complainant's branding and content demonstrates that the Respondent knew of the Complainant's trademark rights at the time of registration. The Panel finds this to be a clear example of opportunistic bad faith, particularly given the fame and long-standing use of the HARPER'S BAZAAR mark.

Accordingly, the Panel finds that the Complainant has established this third element under the Policy.

7. Decision

For all the foregoing reasons, in accordance with paragraphs 4(h) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <harpersbazaar.com.ph> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: November 17, 2025