

ADMINISTRATIVE PANEL DECISION

Telenet BV v. Page Howe, co Black American Media / Debbie Lane DeMoss
Case No. DTV2025-0002

1. The Parties

The Complainant is Telenet BV, Belgium, represented by Fieldfisher Belgium, Belgium.

The named Respondent is Page Howe, c/o Black American Media for Ms. DeMoss, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <playsports.tv> is registered with Key-Systems GmbH (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 10, 2025. On February 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 14, 2025, 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 (REDACTED FOR PRIVACY, Moniker Privacy Services) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 14, 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 amended Complaint February 19, 2025.

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 February 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 13, 2025. The Center granted the Respondent an extension to file a Response in accordance with paragraph 5(b) of the Rules. The new due date for Response was March 17, 2025. The Respondent sent email communications to the Center on February 16 and 17, 2025, and on March 4 and 5, 2025. The Response was filed with the Center on March 17, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on March 21, 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 a telecommunications and entertainment provider in Belgium. The Complainant has used its PLAYSPORTS mark for a sports live streaming service. The Respondent admits in its Response that the Complainant has used this mark since at least 2015, which is corroborated by the Panel's independent viewing (in accordance with its powers of independent research articulated inter alia in paragraphs 10 and 12 of the Rules) of the Internet Archive entries for the Complainant's primary PLAYSPORTS domain name - <playsports.be> - which the Complainant registered in 2014.

The Complainant owns Benelux Trademark Registration No. 1459682 PLAYSPORTS (stylized & device) in classes 38, and 41, having a registration date of February 17, 2022.

The disputed domain name was registered on February 24, 2022, and has not, to date, been used for an active website.

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. The Complainant contends that the disputed domain name was registered and has been used (under the doctrine of passive holding) in bad faith in order to take advantage of the Complainant's well-established mark. Notably, the Complainant relies on the Respondent's choice of top-level domain ("TLD"), which relates to the Complainant's industry, as well as the timing of the registration of the disputed domain name, one week after registration of the Complainant's Benelux trademark at a time when the Complainant's mark was well-established in use, as pointing to bad faith targeting.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. Notably, the Respondent claims that, since 2009, her goal has been to create an interconnected city-by-city network of digital sports media and streaming sites focussing on local United States youth sports, with advertising as the main source of revenue. Her intention was for the disputed domain name to form the umbrella site for this network. She states that the term "Play Sports" has a "youthful, encompassing feel that perfectly captures the free-spirited nature of youth sports" and the disputed domain name was chosen for this purpose, in line with its generic meaning.

The Respondent further claims to have registered the disputed domain name without knowledge of the Complainant's mark, which has no reputation in the Respondent's territory of the United States, and the Respondent asks for a finding of Reverse Domain Name Hijacking.

6. Discussion and Findings

A. Preliminary Issue – Respondent Identity

The Response was filed by one Debbie Lane DeMoss of the United States. Ms. DeMoss states that the named Respondent – Page Howe – manages her domain name portfolio and has done so since 2010.

The Complainant presented evidence showing that Page Howe is a domain name investor and consultant. The Panel's cursory Internet searches also revealed that Mr. Howe does in fact offer domain name related services to third parties, including portfolio consulting and domain name marketing services.

The Panel notes that paragraph 1 of the Rules defines "Respondent" as "the holder of a domain-name registration against which a complaint is initiated" and that the appointed panel retains discretion to determine the respondent against which the case should proceed. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.4.5.

In exercising their discretions in similar circumstances, previous UDRP panels generally considered, among others, (i) whether the identity of the beneficial holder is disclosed, (ii) whether the beneficial holder submits arguments explaining its position, or (iii) whether the relationship between the registrant of the domain name and the beneficial holder is clear. *Bryan Cave Leighton Paisner LLP v. Job*, WIPO Case No. [D2020-0592](#).

All three of these factors favor the Respondent's explanation. Additionally, the explanation supplied by Ms. DeMoss is, prima facie, plausible, and the Complainant has not provided any evidence indicating that this explanation is pretextual or untrue.

Thus, on balance of probabilities, the Panel accepts that it is more likely than not that the underlying beneficial owner of the disputed domain name is Ms. DeMoss. References hereafter to "Respondent" should thus be read as referring to Ms. DeMoss.

B. 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.

The Complainant's registered mark is recognizable within the disputed domain name. To the extent that the design element of the Complainant's mark is incapable of representation in domain names, this element is disregarded for purposes of assessing identity or confusing similarity. [WIPO Overview 3.0](#), section 1.10. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

C. Rights or Legitimate Interests

Given the Panel's findings in relation to the third element below, there is no need to consider the second.

D. Registered and Used in Bad Faith

The Panel's view is that the Complainant's evidence does not, on balance of probabilities, show that it is more likely than not that the Respondent registered the disputed domain name with the Complainant's mark in mind.

All of the Complainant's evidence is circumstantial – there is no direct evidence showing that the Respondent had the Complainant in mind when registering the disputed domain name.

The Complainant's PLAYSPORTS service appears to be targeted at users from Belgium, or, at least, users within the European Union. There is no evidence in the record showing that the Complainant's PLAYSPORTS service has ever operated in the Respondent's jurisdiction of the United States. There is also no evidence in the record showing that this mark is known within the United States, widely or at all. The Panel has conducted basic Internet searches for the Complainant's mark, both limited to websites published in the United States alone, and then, not so limited. The results show numerous other entities using "playsports" / "play sports" for digital sports offerings, in addition to the Complainant. The results of the search limited to United States websites show the Complainant's offering some way down the list of search results on the first page, below those of other third party offerings. The Panel therefore cannot conclude that the Complainant's mark is widely known within the Respondent's jurisdiction.

The Respondent claims to have been unaware of the Complainant's mark at the time of registration of the disputed domain name, and there is no evidence in the record showing or permitting an inference as to any such awareness. There is thus nothing before the Panel showing that the Respondent was aware, or should have been aware, of the Complainant's mark when she registered the disputed domain name.

The Respondent's explanation of her intentions for the disputed domain name is at least plausible and is not contradicted by any evidence in the record. The Panel has, using a publicly available reverse Whois facility, searched for all domain names registered using the Respondent's two email addresses revealed in the record. This search revealed that the Respondent has registered many generic domain names related to news and sports, including a number in the .tv TLD. None of these domain names appear to be targeted at well-known trademarks, and they are consistent with the Respondent's explanation of intending – notwithstanding the passage of time – to launch a United States based city-by-city network of interconnected sports sites.

As far as the Panel can tell, the Respondent has no history of cybersquatting and the Complainant has not been able to point to any.

The Panel has found numerous registrations of trademarks in the names of third parties incorporating "play sports" or "playsports" in numerous jurisdictions, including some expired ones in the United States. Coupled with the Internet searches referred to above showing numerous third parties using these terms for independent offerings, it is clear that the Complainant's mark is appealing to others for its semantic value rather than exclusively for its association with the Complainant. This also shows that the PLAYSPORTS mark is not synonymous with the Complainant. All of this lends credibility to the Respondent's explanation.

The timing of the registration of the disputed domain name, one week after the Complainant's Benelux trademark registered in 2022, on the other hand, is suggestive of targeting. However, the Complainant has been operating its PLAYSPORTS service since 2015, and it is not clear why the Respondent would have waited to register the disputed domain name until after the Complainant's mark was registered if the Respondent's intentions were malign. If the Respondent was acting in bad faith, it would have made more sense for her to register the disputed domain name prior to the Complainant obtaining registered rights. It is also more likely that the Respondent would have been made aware of the Complainant's mark through its actual use from 2015 than from monitoring of a regional trademarks register such as the Benelux trademarks register.

The nature of the TLD, .tv, is related to the Complainant's industry. But it is also related to the offering the Respondent claims that she intends to launch. Thus, in the circumstances of this case, without any direct evidence showing targeting and without any evidence, circumstantial or otherwise, showing that the Respondent was aware or should have been aware of the Complainant's mark, this alone, without more, does not point to targeting.

Given that the burden of proof is on the Complainant, the Panel finds the third element of the Policy has not been established.

E. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

On balance of probabilities, the Panel does not find that the Complaint was brought in bad faith. The disputed domain name is identical to the verbal elements of the mark used and registered by the Complainant. The Complainant's mark was registered, and used for approximately seven years, prior to registration of the disputed domain name, and the .tv TLD relates to the Complainant's industry. The timing of the registration of the disputed domain name following the Complainant's trademark, is also suggestive of the disputed domain name's registration not being a coincidence.

All of this suggests that the Complainant genuinely believed this to be a case of cybersquatting, and that belief does not seem to have been unreasonably held in light of these facts.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: March 31, 2025