

## **ADMINISTRATIVE PANEL DECISION**

Media Giant Holdings LLC v. Billy Karamouzis  
Case No. D2025-2791

### **1. The Parties**

Complainant is Media Giant Holdings LLC, United States of America (“United States”), internally represented.

Respondent is Billy Karamouzis, United States, represented by Wiley Rein LLP, United States.

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

The disputed domain name <mediagiant.com> is registered with GoDaddy Online Services Cayman Islands Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 15, 2025. On July 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on July 28, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on July 31, 2025.

The Center verified that the Complaint together with the amendment to the 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 Respondent of the Complaint, and the proceedings commenced on August 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2025. Respondent requested an automatic extension of the Response on August 25, 2025. On the same day, the Center confirmed the Response due date -was extended to

September 1, 2025. The Response was filed with the Center on September 1, 2025. On September 2, 2025, the Center received a Supplemental Filing submitted by the Complainant by email.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on September 12, 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.

Complainant submitted a Supplemental Filing on September 1, 2025, and was advised by the Center that a decision whether the Supplemental Filing would be accepted would be at the discretion of the Panel. In its Supplemental Filing, Complainant addressed, inter alia, evidence in the Respondent's regarding the date and circumstances in which Respondent acquired the disputed domain name that would not reasonably have been available to Complainant prior to receipt of Respondent's Response. In particular, Respondent in its Response provided evidence that Respondent acquired the disputed domain name from a third party at auction substantially following the initial creation date of the disputed domain name. The Panel has determined to accept Complainant's Supplemental Submission. Respondent did not object to Complainant's Supplemental Submission, and Respondent had anticipated in its Response the arguments made in Complainant's Supplemental Submission.

#### **4. Factual Background**

Complainant is a limited liability company (LLC) established in January 2010 (effective date) in the State of Florida, United States. Complainant indicates that it has used the trademark<sup>1</sup> MEDIA GIANT in commerce since 2009, but Complainant provided virtually no evidence of its use of that trademark in commerce. Its claimed date of first use is consistent with its asserted date of first use in its application for trademark registration at the United States Patent and Trademark Office (USPTO), which trademark registration issued on April 4, 2017. Respondent, on the other hand, has provided evidence of Complainant's use of the MEDIA GIANT trademark in commerce on a website identified by the terms "media giant Design" that advertises website design and marketing, listing a number of "service locations" in the State of Florida, identified by city name. Complainant's "media giant Design" website is accessible at "www.mediagiantdesign.com". Complainant has not provided evidence regarding its volume of its sales, advertising or consumer recognition.

Complainant is the owner of registration of the service mark MEDIA GIANT on the Principal Register of the USPTO, registration number 5175587, registration dated April 4, 2017, in international classes (ICs) 35 and 42, covering online marketing, website design and hosting services, as further specified.

According to the Registrar's verification, Respondent is registrant of the disputed domain name. According to the Whois report, the initial record of registration of the disputed domain name was created on July 4, 1997. Respondent has provided evidence that it acquired the disputed domain name at auction from the seller "Brandeka" conducted by Flippa.com on or about September 6, 2017. The Panel notes that the screen shot confirming purchase provided by Respondent redacts the name of the purchaser at auction, and that the evidence associating Respondent with the purchase relies on a declaration by Respondent asserting that purchase date.<sup>2</sup>

Respondent has not associated the disputed domain name with an active website. He has offered it for sale at GoDaddy.com for USD 100,000. Respondent has a well-evidenced history of acquiring domain names principally incorporating common or descriptive terms, using those domain names to develop or improve websites and related online presence, and selling the resulting business enterprises (such as successful gaming platforms) for substantial sums, some of which sales have been for tens of millions of dollars.

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<sup>1</sup> The Panel uses the term "trademark" in its inclusive sense, covering both trademark and service mark.

<sup>2</sup>Panel does not further address the evidence regarding the identity of the purchaser at auction insofar as Complainant appears to have accepted that Respondent acquired the disputed domain name at the date indicated by Respondent.

The evidence of Respondent's successful business history is recounted on various news reporting platforms, and Respondent appears to be a well-known figure among the "domainer" community.

Respondent has provided evidence that the terms "media giant" have been used together with some degree of frequency in association with third-party news reporting regarding companies in industries producing and distributing content of various types, including in the digital arena.

Following initiation of this proceeding, on July 29, 2025, Respondent via email sent the following message to Complainant:

"You're going to end up on this wall Ricky... playing with fire here. <http://www.hallofshame.com/>

I've copied David Weslow [Respondent's counsel] ... which you can reach out to and make a proper offer."

The website identified in the email identifies parties found to have engaged in Reverse Domain Name Hijacking (RDNH).

There is no evidence of association, commercial or otherwise, between Complainant and Respondent.

## **5. Parties' Contentions**

### **A. Complainant**

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

Notably, Complainant contends that it owns rights in the trademark MEDIA GIANT and that the disputed domain name is identical or confusingly similar to that trademark.

Complainant argues that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent has not been known by Complainant's trademark; (2) Respondent has not used the disputed domain name in connection with an active website, but has rather associated it with a domain marketplace; (3) passive holding of the disputed domain name incorporating Complainant's registered trademark accompanied by no legitimate use is recognized as bad faith within the meaning of the Policy, and; (4) Respondent has no demonstrable plan to use the disputed domain name in connection with a bona fide offering of goods or services.

Complainant alleges that Respondent registered and is using the disputed domain name in bad faith because: (1) Complainant obtained registration for its trademark in 2017, having first used it in commerce in 2009; (2) although Complainant does not allege that the original registration of the disputed domain name in 1997 was in bad faith, Respondent's subsequent acquisition (admitted by Respondent to post-date Complainant's date of trademark registration) and continued passive holding and current use constitute bad faith; (3) Respondent's offer to sell the disputed domain name for USD 100,000 clearly exceeds Respondent's out-of-pocket registration cost and is an attempt to capitalize on Complainant's established brand; (4) Respondent has attempted to intimidate Complainant, and; (5) Respondent failed to conduct basic trademark due diligence by searching the USPTO trademark database at the time he acquired the disputed domain name which undermines any claim of good faith or ignorance of rights.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

### **B. Respondent**

Respondent contends that Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

Respondent does not contest that the disputed domain name is confusingly similar to Complainant's registered trademark, but notes that Complainant was required to disclaim exclusive rights in the term "media" in connection with trademark registration. Respondent argues that since Complainant's mark is descriptive and used by many unrelated parties, Complainant's trademark rights are "exceedingly weak".

Respondent asserts that Complainant has not established that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) the mere fact of offering the disputed domain name for sale does not demonstrate a lack of rights or legitimate interests; (2) Respondent initially purchased the disputed domain name for purposes of using it to establish a business which was part of a legitimate business plan similar to comparable plans that Respondent has effectively carried out for decades; (3) Complainant has provided no evidence that Respondent targeted Complainant and its trademark; (4) Respondent's decision to continue to passively hold the disputed domain name does not establish lack of rights or legitimate interests.

Respondent argues that it did not register and use the disputed domain name in bad faith because: (1) there is no evidence that Respondent ever targeted or sought to leverage Complainant's alleged trademark rights; (2) whether passive holding constitutes bad faith is dependent on a context specific inquiry, and the factors that might evidence bad faith are not evident here; (3) Complainant's trademark is descriptive and has been used by many different entities often in purely descriptive ways; (4) Complainant has not provided evidence of consumer association with its trademark; (5) Respondent has submitted a timely and thorough response to the Complaint; (6) Respondent has not attempted to conceal its identifying information, noting that use of a privacy service is a legitimate practice; (7) Respondent's registration of the disputed domain name is consistent with his business model; (8) offering to sell the disputed domain name at a price exceeding out-of-pocket expenses is not evidence of bad faith where there is no evidence that Respondent was attempting to take advantage of Complainant's trademark rights; (9) Complainant's trademark is not well known in association with its business; (10) Respondent through its email directed to Complainant was merely expressing frustration because Complainant was trying to misuse a legal proceeding.

Respondent requests the Panel to reject Complainant's request for a finding of abusive domain name registration and use.

Respondent requests the Panel to make a finding of RDNH because Complainant's cause of action is entirely without merit. Respondent argues that Complainant knew that its trademark is weak, that Respondent was not attempting to target Complainant's trademark or business, and that offering to sell the disputed domain name at a price deemed "excessive" does not constitute bad faith. Respondent contends that Complainant pursued its action against Respondent because it was attempting to acquire the disputed domain name at a much lower price than its actual value.

## **6. Discussion and Findings**

The Center formally notified the Complaint to Respondent at the email and physical addresses provided in its record of registration. Respondent received the Complaint and filed a Response. The Center took those steps prescribed by the Policy and the Rules to provide notice to Respondent, and those steps are presumed to satisfy notice requirements.

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief.

These elements are that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;

- (ii) 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.

#### **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 Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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

The entirety of the 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 3.0](#), 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 overall burden of proof in UDRP proceedings is on Complainant. Where Complainant makes out a prima facie case Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant).

When Complainant initially filed its Complaint, it did not know that Respondent acquired the disputed domain name from a third party in 2017 subsequent to Complainant's acquisition of trademark rights. Complainant initially relied on the 1997 initial creation date of the disputed domain name. Had Complainant's registration of its trademark post-dated Respondent's acquisition of the disputed domain name there would not have been a prima facie case of Respondent's interference with Complainant's trademark rights because Complainant would not have had trademark rights opposable to Respondent as of the time Respondent acquired the disputed domain name. This "information gap" was remedied when Respondent filed its Response, and it became evident that Complainant held rights in its trademark when Respondent acquired the disputed domain name. It is consistent practice of UDRP panelists to treat the acquisition of domain names from independent third parties as new registrations for purposes of assessing claims of abusive registration and use,<sup>3</sup> and neither party to this dispute has challenged application of this general rule.

Based on newly acquired information from the Response, Complainant argued in its Supplemental Filing that Respondent lacks rights or legitimate interests in the disputed domain name because the only evidence of use by Respondent (other than its history of business practices) was that Respondent had publicly offered the disputed domain name incorporating terms identical to Complainant's trademark for public sale. Complainant effectively established a rebuttable presumption that Respondent lacks rights or legitimate interests in the disputed domain name, making out a prima facie case, requiring rebuttal by Respondent.

Respondent has contended that it has rights or legitimate interests in the disputed domain name because it has a history of acquiring domain names incorporating common or descriptive terms that it believes can be monetized by developing or improving associated websites and related operational activities, and eventually selling the "packages", reaping a substantial profit. Respondent is an experienced domain name trader, and

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<sup>3</sup> See Frederick M. Abbott, *On the Duality of Internet Domain Names: Propertization and Its Discontents*, 3 N.Y.U. JOURNAL OF INTELLECTUAL PROPERTY AND ENTERTAINMENT LAW 1, Fall 2013.

Respondent did not conduct a search of the USPTO database that would have provided information regarding Complainant's trademark registration. Respondent decided to purchase the disputed domain name at auction without taking basic precautionary measures. The Panel notes Respondent's argument on the nature of Complainant's trademark and considers that the argument requires analysis. Respondent argues that this disputed domain name was chosen due to it being a combination of dictionary terms, but that argument does not necessarily lead to the conclusion that Complainant's trademark is merely descriptive. Because Respondent has asserted that it did not make any inquiry regarding the trademark status of the disputed domain name when it acquired it, it cannot successfully rely on its view that the terms are sufficiently common or descriptive that they are not subject to strong trademark protection. The terms might well have been associated as a trademark with a large and successful multinational content enterprise, noting that some of the largest and most successful enterprises in the world employ trademarks incorporating common descriptive terms (e.g., "General Electric", "General Motors" and "Universal Studios").

Respondent has not presented any evidence that it had a specific business plan for the disputed domain name, other than Complainant's "declaration" that it had a plan. Self-serving declarations by domain name registrants do not constitute evidence of good faith preparations for use of trademarks and domain names. This is well established. See recently, e.g., *CONSUMER 2.0, INC. d/b/a Rently v. Josh Ketellapper*, WIPO Case No. [D2025-2142](#), citing [WIPO Overview 3.0](#), sec. 2.2. While Respondent has previously established businesses based on descriptive domain names, that is not a "plan" for a business legitimizing the use of the terms MEDIA GIANT. Intention to resell a domain name incorporating the trademark of a third party does not establish rights or legitimate interests as a bona fide offering of goods or services unless there is a demonstrable plan that would not interfere with the rights of the trademark owner.

There is nothing improper about purchasing and selling domain names, as such. This is a big business. But, the existence of that business does not per se legitimize purchasing a domain name incorporating the trademark of the third-party and selling it. Previously successful domainers do not enjoy a special status on grounds they should be assumed to be preparing something that establishes rights or legitimate interests. Respondent has not successfully rebutted the prima facie case established by Complainant here.

The Panel finds that Complainant has successfully established that Respondent lacks rights or legitimate interests in the disputed domain name.

### **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.

In the present case, the Panel notes that Respondent, by common agreement of the parties, acquired the disputed domain name following Complainant's acquisition of trademark rights in MEDIA GIANT. Respondent has effectively conceded that it did not inquire as to whether there may have been a party with rights in MEDIA GIANT as a trademark when it acquired the disputed domain name.

However, Complainant's trademark registration issued a few months prior to Respondent's registration of the disputed domain name, and Respondent was operating its website and business under the name "media giant DESIGN". There does not appear to be a notice of trademark registration on Respondent's website, and it seems reasonable for the Panel to presume that if Respondent had conducted a Google search of MEDIA GIANT at the time it purchased the disputed domain name at auction this might not have advised Respondent regarding Complainant's trademark rights.

This raises the question whether Respondent had an obligation to search the USPTO database prior to acquiring the disputed domain name at auction. Respondent is an experienced participant in the domain name space and should be aware that a search of the USPTO database is a responsible precaution to purchasing a domain name at auction if the intent is to register in good faith. Respondent did not do that. With that said, there is not a per se legal obligation under the Policy to conduct a search of trademark office

databases as a prerequisite to registering domain names, and failure to conduct such searches, taken in context, is but one factor in analyzing whether registration is undertaken in bad faith.

Complainant has not provided evidence that Respondent deliberately targeted Complainant and its trademark, or that Respondent was attempting to take advantage of Complainant's specific goodwill in its trademark, when Respondent registered the disputed domain name. The fact that Respondent has offered to sell the disputed domain name for USD100,000 tends to suggest that Respondent was not targeting Complainant because of Complainant's goodwill, since the evidence does not suggest that Respondent has established a substantial goodwill value in its trademark. The fact that eight years following Respondent's registration of the disputed domain name Respondent did not directly approach Complainant with an offer to sell the disputed domain name speaks in Respondent's favor as evidence of non-targeting. And, importantly, the fact that Respondent did not establish a website that might somehow compete with Complainant, or otherwise take advantage of the goodwill in Complainant's trademark through confusing similarity, again argues in favor of Respondent.

An additional factor tilting the balance against a finding of bad faith registration and use by Respondent is that Complainant knew when it established its business and registered its trademark that the disputed domain name already was registered by a third party, even though that third-party was not Respondent. Complainant acted with knowledge that its business might not be able to acquire the disputed domain name. A decision in favor of Respondent on the issue of bad faith registration and use will not alter the status quo that existed when Complainant acquired trademark rights. If, after this Decision, Respondent seeks to take unfair advantage of Complainant's trademark in the disputed domain name, Complainant may proceed to initiate a cause of action in civil court seeking remedies beyond those of domain name transfer or cancellation. Respondent would be in no position to assert that it is unaware of Complainant and its rights in its trademark. Respondent is on notice.

There is a balance at play on the issue of bad faith registration and use. Respondent might well have been more attentive to the trademark rights of Complainant when he acquired the disputed domain name. On the other side, Complainant has not provided evidence that Respondent was deliberately seeking to take advantage of Complainant's trademark rights when he registered the disputed domain name. Respondent did not directly seek out Complainant to exploit the value of the disputed domain name. On balance, this does not constitute "bad faith" registration and use by Respondent.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

The Panel finds the third element of the Policy has not been established.

#### **D. 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.

Complainant has provided no basis for the Panel to find RDNH. Respondent registered the disputed domain name without conducting a trademark search that would have informed him regarding the existence of trademark rights on the part of Complainant. Respondent has not established that he has rights or legitimate interests in the disputed domain name. The Complaint has been denied because on balance the Panel considers that Respondent did not target Complainant's goodwill in its trademark. That does not provide Respondent with grounds for RDNH. Respondent's aggressive statement directed to Complainant is not condoned on grounds of "frustration".

## **7. Decision**

For the foregoing reasons, the Complaint is denied. Respondent's request for a finding of RDNH is rejected.

*/Frederick M. Abbott/*

**Frederick M. Abbott**

Sole Panelist

Date: September 22, 2025