

ADMINISTRATIVE PANEL DECISION

Cameron Thomaz p/k/a Wiz Khalifa, Wiz Khalifa Trademark, LLC v. Taylor Gang Enterprises Limited Liability Corporation, Ken Warner
Case No. D2015-0473

1. The Parties

Complainant is Cameron Thomaz p/k/a Wiz Khalifa, of Pennsylvania, United States of America (“United States”) and Wiz Khalifa Trademark, LLC, of California, United States, represented by Pryor Cashman, LLP, United States.

Respondent is Taylor Gang Enterprises Limited Liability Corporation and Ken Warner, each of Fayetteville, North Carolina, United States.

2. The Domain Name and Registrar

The disputed domain name <taylorgang.com> 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 March 17, 2015. On March 18, 2015, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. The same day, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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(a) and 4(a), the Center formally notified Respondent of the Complaint, and the proceedings commenced on March 27, 2015. In accordance with the Rules, paragraph 5(a), the due date for Response was April 16, 2015. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 17, 2015.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on April 21, 2015. 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.

Through transmission to the Center of several emails dated April 22, 2015, Respondent advised the Center that he missed the deadline for filing a Response due to a number of factors, including misfiling of the notification email. He requested an opportunity to file a Response. By Administrative Panel Procedural Order No. 1, dated April 23, 2015, the Panel advised in relevant part:

By a series of emails dated April 22, 2015, Respondent indicated that he failed to file a Response in a timely manner because the initial email transmissions from the Center were directed to a spam folder, and that as a non-lawyer he did not appreciate the nature of the Policy's dispute settlement system that is an integral part of the domain name registration agreement to which he subscribed. The Panel notes that the courier records of the Center indicate that a written notice of Notification of Complaint and Commencement of Administrative Proceeding was delivered to and signed for at Respondent's address on April 1, 2015, so that regardless of the date on which email was initially received, Respondent received notice of the dispute in a timely way.

The Policy is intended to provide a relatively rapid and efficient mechanism for addressing allegations of abusive domain name registration and use. Nonetheless, the Rules provide the Panel with flexibility to take into account the circumstances of each case. Rule 10(b) provides: "In all cases, the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case."

All claims require substantiation. Without any prejudice to what might be the outcome of this proceeding, the Panel notes that Respondent in his email correspondence has suggested the existence of facts that may be relevant to determinations under the various elements of the Policy. In the interests of giving Respondent a fair opportunity to present his case, and taking into account his lack of legal representation to this point, the Panel is inclined to allow for the submission of a Response by Respondent.

There are specific legal issues that are raised in the Complaint that must be addressed. Respondent is advised that the types of claims made in his email require substantiation by written evidence. None of this is to suggest whether Respondent will or will not succeed in establishing a defense. This depends on the law and facts that are established by the pleadings.

Respondent has a period of seven (7) calendar days from transmittal of this notice by the Center to submit his Response to the Center, with copy to Complainant (*i.e.*, the Response may be submitted by April 30, 2015).

Having received several follow-up emails from Respondent (through the Center) dated April 23, 2015, the Panel stated in relevant part in Administrative Panel Procedural Order No. 2, dated April 23, 2015:

The Panel does not provide legal guidance to the parties. Whether Respondent elects to retain counsel is a matter of his own choosing. Whether or not a Response is received within the timeframe established by Administrative Order No. 1, the Panel will proceed to a determination following the expiration of the specially allowed time for the filing of a Response.

Respondent submitted a Response on April 30, 2015, and with the approval of the Panel (Respondent having asked about technical mechanisms for including evidentiary attachments), certain supplementary Annex materials on May 1, 2015.

Complainant thereafter requested leave to file a Reply to the Response and supplemental submissions, and the Panel accepted Complainant's Reply dated May 4, 2015.

The Panel invited a response to the Reply by Respondent, and Respondent submitted a supplemental

Response (Second) by email dated May 8, 2015.

The Panel has taken into account all of the materials provided by the Parties.

4. Factual Background

Complainant is the owner of registration of the word trademark TAYLOR GANG on the Principal Register of the United States Patent and Trademark Office ("USPTO"), registration number 4,605,980, registration dated September 16, 2014, in international class 25, covering clothing of various types. Such registration claims dates of first use and first use in commerce of December 19, 2008. The application for the aforesaid trademark was filed by Complainant as an intent to use application on June 4, 2012, two extensions to file a statement of use were granted, and a statement of use was received by the USPTO on July 14, 2014.¹

Insofar as the TAYLOR GANG trademark is concerned, Complainant indicates that Wiz Khalifa is the owner of that trademark through his company Wiz Khalifa Trademark, LLC. These parties are collectively referred to herein as Complainant. Complainant states that it has used the TAYLOR GANG trademark in commerce since at least as early as September 2008. Its support for that assertion is largely set forth in a Declaration (with annexes) of Will Dzombak, the manager of Wiz Khalifa and the CEO of his recording company, Taylor Gang Ent. According to the Complaint:

"In 2008, Wiz Khalifa founded Taylor Gang Ent. with Academy Award winner Juicy J, and has since signed several notable hip hop artists, such as Chevy Woods, Berner, Courtney Noelle and Ty Dolla \$ign.... Among the studio albums and recordings released by Taylor Gang Ent. are Wiz Khalifa's Star Power (2008), Flight School (2009), Kush & Orange Juice (2010), Cabin Fever (2011), Taylor Allderdice (2012), and 28 Grams (2014)."

Appended to the aforesaid Declaration of Dzombak, Complainant has submitted the cover of an "official mixtape" album by the artist Wiz Khalifa entitled "Star Power", which was released in September 2008, and which refers on the cover to "Taylor Gang Entertainment". The Wikipedia entry for Wiz Khalifa states: "Khalifa released the mixtapes Star Power in September 2008, and Flight School in April 2009 on Rostrum Records."

The recording artist Wiz Khalifa is well-known in the United States and internationally, having released a number of Platinum or multi-Platinum selling singles, five well-received studio albums and 34 music videos. He was awarded the 2012 Top New Artist Billboard Music Award.

The Taylor Gang trademark is used in connection with offering and selling a variety of goods, including clothing, electronic smoking vaporizers and electronic cigarettes. Complainant operates commercial Internet websites at "www.wizkhalifa.com" and "www.taylorgangent.com", with TAYLOR GANG branded clothing available for purchase at "www.store.wizkhalifa.com".²

According to the Registrar's verification, Respondent is registrant of the disputed domain name. According to that verification, the record of registration for the disputed domain name was created on December 15, 2008. The "registrant name" is listed as Taylor Gang Enterprises Limited Liability Corporation, and the Administrative Contact is "Ken Warner". Mr. Warner has acted as principal in all communications with the Center in connection with this proceeding, and the Response and supplemental documents indicate that the aforesaid limited liability corporation is no longer active. The Panel includes Ken Warner as Respondent in this proceeding.

¹ Certain information concerning prosecution history of the trademark application was submitted by Complainant. The Panel confirmed the prosecution history on the TSDR database of the USPTO. Panel visit of May 11, 2015.

² The Panel has verified that clothing bearing the term TAYLOR GANG is offered for sale as indicated. Panel visit to "www.store.wizkhalifa.com" of May 11, 2015.

The disputed domain name at the time of initiation of this dispute directed Internet users to a standard form GoDaddy.com parking page that includes links to sponsored listings, including various websites offering clothing, and “Related Links” such as “Taylor Gang Clothing” and “Taylor Gang Hoodies”. Complainant has submitted evidence that Respondent posted a substantial number of comments in connection with Wiz Khalifa YouTube videos encouraging viewers to visit the “www.taylorgang.com” website. These postings are from four to six years ago. There are no apparent recent posts by Respondent.

According to Respondent, at an earlier date (apparently in and before 2010 – 2011) he maintained an active “social network for hip-hop fans and marijuana enthusiasts” at the address of the disputed domain name, and the website did not offer clothing or similar goods.

Respondent has submitted what he claims is a series of email messages exchanged in 2010 with “Dre Biggity”, an individual who participated in the group of entrepreneurs and artists surrounding Wiz Khalifa at the relevant time. The chain of correspondence indicates that Respondent proposed to create and operate a website that would feature products made or endorsed by Wiz Khalifa.³ The chain of correspondence further indicates that Dre Biggity expressed interest in working with Respondent and his “www.taylorgang.com” website to promote and sell products associated with Wiz Khalifa and Taylor Gang. Complainant has objected to the unverified nature of the chain of correspondence provided by Respondent, and has also indicated that Respondent was not in any case dealing with an authorized representative of Complainant. There is no record of any contract or written agreement involving Respondent and Complainant. The record of this proceeding does not include any screenshots of the website Respondent claims to have been operating in and before 2010.

Respondent applied for registration on the Principal Register of the USPTO of the trademark TAYLOR GANG to cover “Internet-based social networking services”, application number 85132110, application dated September 17, 2010. This application was declared abandoned on June 29, 2011.⁴

The registration agreement between Respondent and the Registrar subjects Respondent to dispute settlement under the Policy. The Policy requires that domain name registrants submit to a mandatory administrative proceeding conducted by an approved dispute resolution service provider, one of which is the Center, regarding allegations of abusive domain name registration and use (Policy, paragraph 4(a)).

5. Parties’ Contentions

A. Complainant

Complainant alleges that it has rights in the trademark TAYLOR GANG as evidenced by registration at the USPTO. Complainant indicates that it has used the TAYLOR GANG trademark in connection with clothing since at least as early as December 2008, as indicated on its trademark application, and that Complainant established rights in the TAYLOR GANG trademark through common law at least as early as September 2008, principally on the basis of a music mix-tape album released in September 2008 and displaying Complainant’s TAYLOR GANG trademark.

Complainant contends that the disputed domain name is confusingly similar to its trademark.

³ The Panel through a rudimentary Google search determined that Dre Biggity was/is the artistic name of Andre Borrows, and that in 2010 he appears to have been associated in some way with Taylor Gang Enterprises. See Streetwear Pt. 4 Dre Biggity, “www.entertainment.com”, August 19, 2010.

⁴ In its Response, Respondent had indicated that he “trademarked” TAYLOR GANG, but did not provide any specific information regarding that assertion. The Panel identified the application and abandonment on the TESS service of the USPTO. Panel visit of May 11, 2015.

Complainant argues that Respondent has no rights or legitimate interests in the disputed domain name because: (1) Respondent has never been an authorized representative or agent of Complainant; (2) Complainant's adoption and use of its trademark in September 2008 preceded Respondent's registration of the disputed domain name on December 15, 2008; (3) Respondent had knowledge of Complainant's distinctive trademark and fame prior to registration of the disputed domain name; (4) Respondent has not engaged in a good faith, *bona fide* offering of goods and services, but has rather used the disputed domain name to profit from click-through advertising; (5) Respondent is not commonly known as "Taylor Gang", "Taylor" or "Wiz Khalifa".

Complainant contends that Respondent registered and is using the disputed domain name in bad faith because: (1) Respondent registered the disputed domain name after Complainant began using its trademark continuously and as an exclusive source identifier for its goods and services; (2) Respondent was aware of the valuable goodwill and reputation represented by its trademark; (3) Respondent has intentionally attempted to profit from bad faith registration because Respondent has used the disputed domain name to divert Internet users to click-through advertising based on Internet user confusion with Complainant as source or sponsor of his website.

Complainant argues that the chain of email correspondence submitted by Respondent is a self-generated typed document for which there is no guarantee of authenticity, and should not be admitted into evidence or considered by the Panel. Complainant contends that if the chain of correspondence is admitted, it expressly demonstrates that Respondent registered the disputed domain name in bad faith because he says he started the associated website to provide revenue needed to finance a related project.

Respondent provided evidence in the form of an email dated April 17, 2015, from Respondent to Complainant's counsel, offering to sell the disputed domain name for USD 200,000 initially, and subsequently raised to USD 300,000. Complainant indicates that this is an offer to sell for a price in excess of Respondent's out-of-pocket costs, given that Respondent states that he purchased the disputed domain name for USD 500.

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

B. Respondent

Respondent contends that he originally purchased the disputed domain name without knowledge of Wiz Khalifa or the brand "Taylor Gang", but after consideration of trending keywords on the Internet. Respondent alleges that he had been working to build a social networking website and had acquired more than 50 domain names relating to different subjects. Respondent contends that when his website was first introduced the logo was a marijuana leaf intended to help develop a social network to advance legalization of marijuana in the United States, and that there was no reference to Wiz Khalifa. Respondent contends that the website turned into a social network for hip-hop fans and marijuana enthusiasts.

Respondent argues that there was no music available for downloading on his website. Respondent argues that he attempted to allow click-through advertising to help pay for the cost of the website, but no revenue was received and Google Ads was removed. Respondent argues that his limited liability corporation ("LLC") had been dissolved for at least three if not four years before Complainant made any attempt to dispute his website, trademark or LLC. However, he was the first to trademark the words "Taylor Gang". He states that "Ownership of the Trade Mark has since been dissolved".

Respondent states that he never claimed that Dre Biggity was an authorized representative of the current TAYLOR GANG brand, but that he met said individual who was riding on the tour bus with Wiz Khalifa and considers himself an "official member of the Taylor Gang", which combination term was at that time commonly used to refer to Wiz Khalifa and his "entourage". Respondent indicates that at the relevant time Dre Biggity did in fact represent Wiz Khalifa.

Respondent states that he voluntarily removed his website from the Internet.

Respondent indicates that when he was contacted by Complainant's counsel he initially offered to sell the disputed domain name for USD 10,000 in oral conversation, but decided to increase the amount because Complainant's counsel was trying to take his property, and he should be able to decide a fair price to sell the premium domain name to any potential buyer, and he did not think his email offering to sell the disputed domain name would be used to incriminate him, in part because he did not know WIPO was a "legitimate company".

Respondent offered to make the email correspondence reference in his Response directly available to the Panel.

Respondent asserts that he has acted in good faith and without attention to take unfair advantage of Complainant.

Respondent requests the Panel to reject the Complaint.

6. Discussion and Findings

The Policy is addressed to resolving disputes concerning allegations of abusive domain name registration and use. The Panel will confine itself to making determinations necessary to resolve this administrative proceeding.

It is essential to Policy proceedings that fundamental due process requirements be met. Such requirements include that a respondent have notice of proceedings that may substantially affect its rights. The Policy and the Rules establish procedures intended to ensure that respondents are given adequate notice of proceedings commenced against them and a reasonable opportunity to respond (see, *e.g.*, Rules, paragraph 2(a)).

The Center formally notified the Complaint to Respondent at the physical address and the email addresses provided by Respondent in its record of registration of the disputed domain name. Following Respondent's indication that for various reasons he had not been made aware of the nature of the Complaint sufficiently early to file a Response, the Panel authorized an extension for filing, and Respondent filed a Response and additional supplemental documents. The Panel is satisfied that Respondent was afforded a reasonable opportunity to respond to the Complaint in this proceeding.

Paragraph 4(a) of the Policy sets forth three elements that must be established by Complainant to merit a finding that 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; and
- (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

Complainant has asserted rights in the trademark TAYLOR GANG as evidenced by registration at the USPTO, and by use in commerce in the United States (and elsewhere). Respondent has not challenged Complainant's assertion of ownership of rights in the TAYLOR GANG trademark. The Panel determines that Complainant has established rights in the trademark TAYLOR GANG.

From the standpoint of the Policy, the disputed domain name is identical to the TAYLOR GANG trademark.⁵

Complainant has argued that it established common law trademark rights (or unregistered trademark rights) in its TAYLOR GANG trademark as early as September 2008. Complainant has not presented evidence regarding the linguistic derivation of the term TAYLOR GANG, including whether (or not) it has a descriptive meaning. There is no evidence on the record of this proceeding that prior to adoption by Complainant the term described a particular thing (or group). According to “Urban Dictionary”, the “top definition” is as follows:

“Lifestyle, Originated by Wiz Khalifa out of Pittsburgh, Pennsylvania. A Lifestyle that contains getting high off Marijuana, Drunk off Alcohol, and Getting Money.”⁶

Somewhat more directed to the question of whether the term is descriptive of something, the number three definition on Urban Dictionary states:

“Taylor Gang is Wiz Khalifa’s gang/crew that he runs with. The name Taylor Gang originated from group members always wearing Chuck Taylors. Others say it came from his hometown high school, Taylor Allderdice (Pittsburgh, PA). Now-a-days, Taylor Gang is more then just a crew. Its a lifestyle, aka Taylor Gang Life\$style. If you’re a fan of Wiz Khalifa.. then you’re a Taylor. People who love to have a good time and toke it up or get wasted, just chill people who party hard.”

The Panel is satisfied that while the combination term TAYLOR GANG may as of this date be descriptive of a lifestyle or group, it would not have been so identified by the public when it first came into use by Complainant. The Panel considers the TAYLOR GANG trademark suggestive, if not fanciful. This is important because suggestive and fanciful terms are protected as trademarks without a demonstration of secondary meaning; requiring only use in commerce in the United States.

Complainant has submitted evidence that a mixed tape album titled “Star Power” was released under the name of the producer “Taylor Gang Enterprises” in September 2008. This was sufficient to establish common law trademark rights in the term TAYLOR GANG as of that date. There is substantial evidence that the mixed tape album was widely distributed in the United States in late 2008.

The Panel determines that Complainant has established rights in the trademark TAYLOR GANG, and that the disputed domain name is identical to that trademark. The Panel further determines that Complainant established common law rights in the TAYLOR GANG trademark in the United States as of September 2008.

B. Rights or Legitimate Interests

The second element of a claim of abusive domain name registration and use is that Respondent has no rights or legitimate interests in respect of the disputed domain name (Policy, paragraph 4(a)(ii)). The Policy enumerates several ways in which a respondent may demonstrate rights or legitimate interests:

“Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

- (i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain

⁵ Addition of the generic Top-Level Domain “.com” to the trademark term is not in circumstances such as those here material to a determination of confusing similarity.

⁶ <http://www.urbandictionary.com/define.php?term=Taylor+Gang>, Panel visit of May 11, 2015.

name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.” (Policy, paragraph 4(c)).

Complainant’s allegations to support Respondent’s lack of rights or legitimate interests in the disputed domain name are outlined above in section 5A, and the Panel finds that Complainant has made a *prima facie* showing that Respondent lacks rights or legitimate interests in the disputed domain name.

Respondent principally argues that he has rights or legitimate interests in the disputed domain name because he used the disputed domain name in connection with a *bona fide* offering of services prior to notice of a dispute with Complainant. The question is whether Respondent’s use of the disputed domain name in connection with an offering of services was *bona fide* or legitimate.

Respondent has alleged use of the disputed domain name in connection with a social networking website that had nothing to do with Complainant or its trademark. Respondent has not provided any screenshot or other concrete evidence of such a social networking website or its content, other than a few references in what is said to be a chain of email correspondence in 2010 with an individual that Respondent believed to be representing Complainant interests. Without access to the content of Respondent’s alleged website, the Panel cannot substantiate what Respondent may have been doing on that website. In light of Respondent’s self-confessed enthusiasm regarding Complainant and its trademark term, the Panel finds it difficult to give Respondent the benefit of the doubt regarding how the disputed domain name may have been used in that prior period. Based merely on Respondent’s unsubstantiated assertions, the Panel is unwilling to conclude that Respondent used the disputed domain name for a *bona fide* offering of services that did not seek to take commercial advantage of Complainant’s trademark and related goodwill. The Panel advised Respondent that his claims would need to be substantiated by written evidence, and Respondent did not provide that substantiation.

This Panel has in prior decisions determined that legitimate fan websites that are not seeking to take commercial advantage of the trademark of an artist may be justifiable as legitimate noncommercial use. See, e.g., *2001 White Castle Way, Inc. v. Glyn O. Jacobs*, WIPO Case No. D2004-0001. In this proceeding, Respondent has not provided concrete evidence of establishment of a legitimate noncommercial fan website that might go to establishing rights or legitimate interests. The Panel will not speculate on what might have constituted such a legitimate noncommercial website in the instant circumstances.

Respondent has indicated in his documentation that he registered the disputed domain name on the belief that he would eventually be able to work out some form of favorable commercial arrangement with Complainant, and that he was effectively defending Complainant’s interests by holding the disputed domain name, as compared with other less virtuous individuals who might otherwise have registered it. Preempting registration by the trademark owner of a domain name incorporating its trademark does not establish rights or legitimate interests, even if the registrant’s subjective intention was to “protect” the trademark owner. If that was indeed Respondent’s intent, he might have transferred the disputed domain name to Complainant for no more than his out-of-pocket expenses when asked.

As previously noted, at the time that the proceedings were initiated, the disputed domain name resolved to a standard form GoDaddy.com parking page that included links to sponsored listings.

The Panel determines that Respondent has failed to rebut Complainant’s *prima facie* showing of lack of rights or legitimate interests in the disputed domain name. The Panel determines that Respondent lacks rights or legitimate interest in the disputed domain name.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy indicates that certain circumstances may, “in particular but without limitation”, be evidence of the registration and use of a domain name in bad faith. These are “(i) circumstances indicating that [the respondent has] registered or [the respondent has] acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the respondent’s] documented out-of-pocket costs directly related to the domain name; or (iv) by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] web site or location or of a product or service on [the respondent’s] web site or location.”

Complainant established rights in the trademark TAYLOR GANG as of September 2008. Respondent has provided evidence indicating that he was aware that the term TAYLOR GANG was associated with Complainant when he registered the disputed domain name in December 2008. Given the unlikelihood that Respondent would have independently decided to use the suggestive/fanciful term TAYLOR GANG coincidentally with the emerging popularity of Wiz Khalifa, along with Respondent’s admission that he was a dedicated follower of the artist, the Panel concludes that Respondent registered the disputed domain name with knowledge of Complainant’s ownership of trademark rights in TAYLOR GANG.

Respondent has indicated that he registered the disputed domain name in the expectation that he would eventually be able to establish some type of commercial arrangement with Complainant, to their mutual benefit. This conduct is a form of registering the disputed domain name for purposes of renting or licensing its use to Complainant, and within the broad meaning of paragraph 4(b)(i) of the Policy, bearing in mind that the elements listed in paragraph 4(b) are non-exhaustive.

Respondent concedes that he tried to use the disputed domain name to generate revenues from click-through advertisements, but was unsuccessful. Paragraph 4(b)(iv) of the Policy does not refer to commercial success, but rather intentionally “attempted” to attract Internet users for commercial gain based on confusion as to the trademark owner acting as source, sponsor, affiliate or endorser of the subject website. Respondent directly incorporated Complainant’s trademark in the disputed domain name, and relied on Internet user confusion with Complainant to attract Internet users to his website. This is bad faith use of the disputed domain name within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel need not consider other factors that might suggest abusive registration and use on the part of Respondent.

The Panel determines that Respondent registered and is using the disputed domain name in bad faith within the meaning of paragraph 4(b) 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 <taylorgang.com> be transferred to Complainant.

Frederick M. Abbott

Sole Panelist

Date: May 12, 2015