



# WIPO Arbitration and Mediation Center

## ADMINISTRATIVE PANEL DECISION

**Classic Media, Inc. v. Warren R. Royal**

**Case No. D2006-0208**

### **1. The Parties**

The Complainant is Classic Media, Inc., New York, New York, United States of America, represented by Sonja Keith, United States of America.

The Respondent is Warren R. Royal, Cumming, Georgia, United States of America, represented by ESQwire.com Law Firm, United States of America.

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

The disputed domain name <lassie.com> is registered with Tucows.

### **3. Procedural History**

The Complaint was brought pursuant to the Uniform Domain Name Dispute Resolution Policy (the "Policy"), which was adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999, and approved on October 24, 1999, and in accordance with the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") as approved on October 24, 1999, and the World Intellectual Property Organization Supplemental Rules for Uniform Domain Name Dispute Resolution Policy in effect as of December 1, 1999 (the "Supplemental Rules").

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") in email form on February 16, 2006, and in hard copy form on February 21, 2006, along with Annexes A-C.

Pursuant to paragraph 4(d) of the Policy, the Complainant selected the Center as the ICANN approved administrative dispute resolution service provider to administer this proceeding. Through the Complaint, the Complainant requested a single-member panel.

On February 17, 2006, the Center transmitted by email to the Registrar a request for

registrar verification in connection with the domain name at issue. On February 20, 2006, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details for the administrative, billing, and technical contacts.

In response to a notification by the Center that the Complaint was administratively deficient, the Complainant filed an amendment to the Complaint by email on February 28, 2006, and in hard copy form on March 2, 2006. For simplicity, the Complaint, as amended, will collectively be referred to hereinafter as simply the "Complaint."

The Center verified that the Complaint satisfied the formal requirements of the Policy, the Rules, and the Supplemental Rules.

On March 3, 2006, the Center notified the Respondent of the filing of the Complaint, including an indication that the Center was forwarding a complete copy of the Complaint, together with its annexes, by courier and email to the Respondent. The Complaint and its accompanying documents, and all subsequent communications associated therewith, were provided in the preferred manners and to the addresses as mandated by paragraphs 2(a), 2(b) and 4(a) of the Rules.

Having reviewed the Complaint and all preceding and succeeding correspondence between the Center and the Registrar, in detail, the Panel agrees with the determination of the Center that the Complaint and its handling met the requirements of the Rules and the Supplemental Rules.

The Respondent was then provided with a 20 calendar day period, expiring on March 23, 2006, to file its Response with the Center and serve a copy of the Response on the Complainant.

The Center received a Response in email form on March 23, 2006 and in hard copy form on March 27, 2006. The Respondent requested a three-member panel to be appointed.

The Center appointed Peter L. Michaelson, Keita Sato and David E. Sorkin as panelists in this matter on April 21, 2006. The Panel finds that it was properly constituted. Each member of the Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with paragraph 7 of the Rules.

Based on the deadline set forth in paragraph 15 of the Rules, a decision was to be issued by the Panel to the Center on or before May 5, 2006. However, due to time conflicts then being experienced by the Panel – which constituted unforeseen circumstances, the Center, upon the Panel's request, extended the due date to May 19, 2006.

On May 9, 2006, the Panel issued Procedural Order No. 1 through which the Panel, pursuant to paragraph 12 of the Rules, requested a supplemental filing from the Complainant directed at why the Respondent's registration was not made in good faith, and set a due date for that filing as no later than May 17, 2006. Through that Order, the Panel provided the Respondent with an opportunity to file a Reply, should it so desire, by May 24, 2006. The Panel also extended the due date for its decision to June 2, 2006.

Subsequently, the Center, at the request of the Panel and due to further time conflicts

experienced by the Panel and its need for further deliberations – all of which again constituted unforeseen circumstances, ultimately extended the due date for the decision to June 19, 2006.

This dispute concerns one domain name, specifically: <lassie.com>.

The language of this proceeding is English.

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

A copy of the WhoIS registration records for the disputed domain name appears in Annex A to the Complaint. As indicated on these records, the Respondent originally registered the disputed domain name on January 10, 1999, and subsequently renewed the registration on January 1, 2006.

##### **A. Complainant's LASSIE Marks**

The Complainant owns 17 United States and foreign counterpart trademark registrations for marks having the term “LASSIE” in block letters (collectively the LASSIE Marks) on which this dispute is based. The Complainant has provided, in Annex C to the Complaint, a list containing not only these registrations but also its pending applications for other “LASSIE” based marks. Its US registrations, as indicated in the records of the publicly accessible Trademark Electronic Search System (TESS) provided by the US Patent and Trademark Office, are as follows:

- (i) LASSIE (block letters)  
United States registration 2,219,095; registered: January 19, 1999  
filed: March 22, 1993

This service mark was registered for use in connection with “entertainment motion picture films, pre-recorded entertainment video cassettes, video tapes and video discs relating to a dog character and her adventures” in international class 9. The registration states that first use and first use in commerce of the mark for these services both commenced as of December 31, 1993.

- (ii) LASSIE (block letters)  
United States registration 2,209,373; registered: December 8, 1998  
filed: August 11, 1995

This mark was registered for use in connection with “series of fiction books, a series of coloring books, a series of children’s activity books, a series of comic books, magazines concerning dogs, paper party decorations, paper napkins, paper party horns, paper tablecloths, photo albums, trading cards, posters, greeting cards, stationery, calendars, decalcomania and stickers” in international class 16. The registration states that first use and first use in commerce of the mark for these goods both commenced as of January 2, 1990.

- (iii) LASSIE (block letters)  
United States registration 2,169,777; registered: June 30, 1998  
filed: May 17, 1993

This mark was registered for use in connection with “program cartridges for computer video games, plush toys and Christmas tree ornaments” in international class 28. The

registration states that first use and first use in commerce of the mark for these goods both commenced as of June 30, 1994.

- (iv) LASSIE (block letters)  
United States registration 2,000,556; registered: September 17, 1996  
filed: March 31, 1994

This mark was registered for use in connection with “puppy housebreaking pads” in international class 5. The registration states that first use and first use in commerce of the mark for these goods both commenced as of October 31, 1989.

- (v) LASSIE (block letters)  
United States registration 1,089,519; registered: April 18, 1978  
filed: August 17, 1977

This mark was registered for use in connection with “hair conditioners, mat and tangle removers, and shampoos for pets” in international class 3; “food supplements, coat and skin food supplements, cod liver oil, vitamin and diet preparations, medications and pharmaceuticals, repellents (including pup training materials), deodorants, flea sprays, flea soaps, and flea collars, medicated shampoos, and pesticides, all for pets” in international class 5; “metal chains, metal tags, metal tie-outs, metal posts, and metal stakes” in international class 6; “pedicure tools and shears and clippers” in international class 8; “collars, flea collars, leads and tie-outs, leather leads, chewing sticks, bones and chews of leather” in international class 18; “dog dishes and covers, and trays, combs and brushes” in international class 21, “ropes and plastic ropes” in class 22; and “toys for animals and chewing toys” in international class 28. The registration states that first use and first use in commerce of the mark for all these goods both commenced as of September 16, 1976.

- (vi) LASSIE (block letters)  
United States registration 670,403; registered: November 25, 1958  
filed: July 31, 1957

This mark was registered for use in connection with “a dramatic program presented serially on television” in then US class 107. The registration states that first use and first use in commerce of the mark for this service both commenced as of September 12, 1954.

## **B. The Parties**

The Complainant owns the trademark “Lassie” and associated character names, and licenses use of both domestically and internationally to agents and licensees.

In the United States, “Lassie” is one of the most widely known dogs in film, television and print. She has been an American icon since the story of a lost collie finding her way home first appeared in 1938. The story of Lassie expanded into a widely selling novel in 1940, feature films and a radio show in the 1940’s, and debuted on television in 1954. The legend of Lassie has continued to grow through its run in syndication, cartoons, books and feature films and continues to be recognized around the globe.

The Respondent owns many common word domain names, such as <trivia.net>, <pendulum.com>, <frisky.com>, <marcia.com>, <socialite.com>, <comptroller.com>, <elector.com>, <monarchs.com>, <ride.net>, <drum.net>, <kaleidoscope.com>, and <proverb.com>. See paragraph 2 of the Declaration of Warren Royal (a copy of which

appears in Exhibit 3 to the Response).

The Respondent registered the disputed name on January 10, 1999, and claims he did so for use with a business which the Respondent began operating in 1999 called "VanityWeb". VanityWeb enabled users to rename their web sites using one of VanityWeb's domains as in "Bob.Lassie.com" or "Bob.monarchs.com". The Respondent earned revenue by selling banner ads that appeared on the web pages of that site. See Royal Declaration, paragraph 4, as well as a copy in Exhibit 5 of the Response of a print-out, via "www.archive.org," of the "www.vanityweb.com" web page as of October 1999 which generally describes the Respondent's concept for its vanity domain name service (though without any apparent mention of the use of the term "Lassie"). The Respondent launched his VanityWeb.com site on October 13, 1999. The evidence before the Panel indicates that, while the Respondent's VanityWeb.com site was operational, the Respondent never offered the <lassie.com> domain name for vanity use.

In 2000, the market for banner ads collapsed and VanityWeb's revenues dropped 90 percent. Consequently, the Respondent was forced to cease operations of his web site.

Moreover, from February 8, 1999, through June of 2002, the Respondent used the disputed domain name as the address of his unofficial fan-site for the Complainant's "Lassie" television series. That particular website featured a chat area, a bookstore, a video store, trivia, links and a mechanism for leaving feedback. A feedback button, when clicked, triggered an email window to pop up which was addressed to "wroyal@[email address]" ("wroyal" being an email alias for the Respondent). The site also featured a colorful, flashing link to Yep.com that appears to be an advertisement. The link featured the "www.yep.com" logo and text indicating that the viewer should "click here."

The Respondent has not utilized the disputed domain name since 2002, but on January 1, 2006, he renewed his registration for the name.

## **5. Parties' Contentions**

### **A. Complainant**

#### **(i) Identical or Confusingly Similar**

The Complainant contends that the disputed domain name is identical to the Complainant's LASSIE Marks.

Moreover, the Complainant contends that the term LASSIE is not a generic term, but rather one that is suggestive, highly distinctive and associated with the Complainant's LASSIE character.

Consequently, the Complainant believes that it has satisfied the confusing similarity/identity requirement in paragraph 4(a)(i) of the Policy.

#### **(ii) Rights or Legitimate Interests**

The Complainant contends that, for two principal reasons, the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

First, the Complainant contends that the Respondent has not used the name in connection with a bona fide offering of goods or services.

Second, the Complainant contends that the Respondent, either as an individual or a business, has never been commonly known by the disputed domain name. In that regard, the Complainant states that the Respondent's last name is not "Lassie" nor does he have any inherent rights to use the Complainant's LASSIE Marks so as to ostensibly create any such common knowledge amongst Internet or other users as to his identity.

**(iii) Registered or Used in Bad Faith**

The Complainant contends that, for several reasons, the Respondent has registered and is now using the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy.

First, the Complainant contends that since the Respondent has not used the name for seven years and that the value of the name derives from the fame of the Complainant's mark, the Respondent must have registered the name with the primary intent of selling, renting or otherwise transferring the name to the Complainant for a sum in excess of the Respondent's cost of registration.

Second, the Respondent's actions in renewing his registration for the name, given the preceding seven year period of non-use, also evidences bad faith.

Third, the Complainant points to the Respondent's history of having engaged in a pattern of selling other domain names that have not been used in connection with the sale of any goods or services as further evidencing, in the context of the presently disputed domain name, bad faith.

**B. Respondent**

**(i) Identical or Confusingly Similar**

The Respondent apparently contends that the Complainant can not satisfy paragraph 4(a)(i) of the Policy inasmuch as it does not have any trademark rights in the term "LASSIE".

Specifically, the Respondent believes that the term "LASSIE" is a common word and points to its dictionary definition (a copy of which from Dictionary.com is provided in Exhibit 1 to the Response) as meaning "a girl or young women who is unmarried." Given this, the Respondent asserts that he registered what is a common word and not a trademark. The Respondent points to the fact that he registered other common terms as domains, including <trivia.net>, <pendulum.com>, <frisky.com>, <marcia.com>, <socialite.com>, <comptroller.com>, <elector.com>, <bucket.com>, <ride.net>, <drum.net>, <kaleidoscope.com>, and <proverb.com>.

The Respondent also points to various third-party uses (as given by a Google search he ran that yielded over 1.4 million hits, the first four pages of results of which are provided in Exhibit 2 to the Response) of the term "LASSIE" as further evidence of its common usage.

The Respondent does not dispute that the disputed domain name is identical to the Complainant's LASSIE Marks.

**(ii) Rights or Legitimate Interests**

The Respondent contends that he has rights and legitimate interests in the disputed domain.

Specifically, the Respondent registered the name for use with his vanity web site in 1999, for what he expected to be a bona fide offering of services. Though he has not used the name for some time thereafter due to economic conditions which necessitated that he abandon his planned use of the name, his interest in the name remains legitimate particularly since the term "LASSIE" is a common word and the abandonment was not caused by his own fault.

**(iii) Registered or Used in Bad Faith**

The Respondent contends that he did not register or use the disputed domain name in bad faith.

Specifically, the Respondent never intended to profit from the Complainant's LASSIE Marks and further the significant third-party use of the term "LASSIE" negates any trademark rights the Complainant might have in that term.

In that regard, the Respondent notes that no evidence exists in the record that he registered the name: (a) for the purpose of selling, renting or transferring it to the Complainant, (b) to prevent the Complainant from reflecting its mark in a domain name together with a pattern of such conduct, or (c) disrupting the complainant's business or attracting its customers who seek to purchase its products.

Further, the Respondent notes that the Complainant brought its Complaint seven years after the date on which the Respondent registered the name, hence indicating that the Complainant did not believe that the Respondent engaged in bad faith and hence its claims to that effect were not truly warranted.

**C. Supplemental Filings**

The Panel requested, pursuant to paragraph 12 of the Rules, that the Complainant submit a supplemental filing directed to the issue of as to why the Respondent's initial registration of the disputed domain name was not made in good faith. The Respondent was accorded an opportunity to submit a Reply to that filing.

**(i) Complainant**

The Complainant refutes the Respondent's contention, in the Response, that his sole purpose in registering the name was for use with the Respondent's vanity web site.

Specifically, the Complainant points to the fact that the Respondent used the disputed domain name for over three years in connection with an unofficial fan site for the Complainant's "LASSIE" television series. Moreover, though the Respondent claimed that he launched his vanity web site itself on October 13, 1999 (though without any use of the disputed domain name in connection with that site), the Respondent started use of his fan site much earlier and on February 8, 1999 -- shortly after he registered the name. That site featured a chat area, a bookstore, a video store, trivia, links and a mechanism for leaving feedback. The Feedback button triggered an email window to pop up addressed to wroyal@[email address]. The site also featured a colorful, flashing

link to Yep.com that appears to be an advertisement. The link featured the “www.yep.com” logo and text indicating that the viewer should “click here.”

In light of the Respondent’s use of the disputed domain name in connection with his fan site, which started very soon after he registered the name, the Complainant contends that the Respondent could never have had any legitimate interest in that name – regardless of any claim of the Respondent that he intended to use the name in connection with his vanity web site.

Furthermore, inasmuch as the Respondent’s use of the disputed domain name in connection with his fan site intentionally traded on the fame of the Complainant’s LASSIE Marks, that use could never constitute a bona fide offering of goods and services under paragraph 4(c)(i) of the Policy, and thus reflected bad faith.

Moreover, the Complainant contends that the non-trademark meaning of the term “LASSIE” is archaic, and regardless of that meaning, that term has become, since 1938, a highly distinctive mark associated with the Complainant’s goods and services. In that regard and citing to *McCarthy on Trademarks and Unfair Competition (4th ed.)*, § 12:12 (2), a federal trademark registration is generally entitled to a strong presumption that the term is not generic.

Thus, the Complainant contends that the Respondent registered the disputed domain name in order to attract fans to his site under the mistaken belief that they were accessing an official “LASSIE” website and thus capitalized off of this initial confusion by selling Lassie books and videos to Lassie fans and by selling advertising space on his site.

## **(ii) Respondent**

Respondent concedes that he did use the disputed domain name in conjunction with his fan site though he claims to have forgotten about that prior usage.

## **6. Discussion and Findings**

### **A. Genericness**

The Respondent raises allegations concerning whether the term “LASSIE” has a generic meaning and thus is not capable of distinctively identifying Complainant’s goods and services, and thus whether that term has no trademark significance when used in conjunction with the goods and services recited in the Complainant’s trademark registrations.

Questions of trademark invalidity, including genericness, are simply not within the purview of a UDRP proceeding and are best left for either court adjudication or inter-partes adjudication before appropriate governmental bodies having requisite jurisdiction and competence to handle such issues. Not only are such questions outside the very limited and focused jurisdiction afforded to UDRP panels under the Policy but moreover the summary and rather abbreviated nature of UDRP proceedings totally precludes the establishment of a fully developed factual record that must underlie the determination of such questions. See, e.g., *Lockheed Martin Corporation v. The Skunkworx Custom Cycle* WIPO Case No. D2004-0824 (January 18, 2005); *Register.com, Inc. v. Wolfgang Reile et al* FA208576 (Nat. Arb. Forum, January 27, 2004); *United States Office of Personnel Management. v. MS Technology*

*Inc.*, FA 198898 (Nat. Arb. Forum, December 9, 2003); and *Lake at Las Vegas Joint Venture v. Principal Equiti, Inc.*, WIPO Case No. D2002-0758 (October 4, 2002).

To the extent the Respondent wishes to contest the continued validity of any of Complainant's LASSIE Marks, the Respondent must do so through an appropriate administrative and/or judicial avenue that has appropriate jurisdiction over the issue, such as by filing an action in the USPTO to cancel any of Complainant's federal registrations or alternatively instituting federal litigation. Absent Respondent having done so and attained a final ruling in its favor, this Panel is constrained to defer, as it must, to the USPTO's initial determination implicit in its having granted a registration, i.e., that each of Complainant's LASSIE Marks has acquired sufficient distinctiveness and thus qualifies for continued federal trademark protection and enjoys all the rights afforded thereby.

Therefore, given the inability of this Panel to address the invalidity issue raised by the Respondent, then, as far as this proceeding is concerned, the Panel is not precluded from finding that the disputed domain name is either identical or confusingly similar to the Complainant's LASSIE Marks.

### **B. Identical or Confusingly Similar**

Inasmuch as the Respondent does not contest that the disputed domain name is identical to the Complainant's LASSIE Marks, then the Panel so finds.

Hence, the Complainant has met its burden under paragraph 4(a)(i) of the Policy.

### **C. Rights or Legitimate Interests**

The Panel believes that the Respondent has not provided any basis that would legitimize any claim he has to the disputed domain name.

The simple reason is that the disputed domain name contains the Complainant's mark LASSIE under which the Complainant provides its goods and services and has continuously done so since as early as 1938 – which predates, by nearly six decades, the date, January 10, 1999, on which the Respondent registered the disputed domain name.

Furthermore, the Complainant has never authorized the Respondent to utilize any of its LASSIE Marks or any mark confusingly similar thereto in conjunction with the specific goods and services which the Complainant provides under its marks, nor does the Complainant have any relationship or association whatsoever with the Respondent.

Hence, any use to which the Respondent were to put the LASSIE Marks or one confusingly similar thereto, which here includes the term LASSIE, in connection with those or similar goods or services for which the Complainant has registered these marks, would directly violate the exclusive trademark rights now residing in the Complainant. See, e.g., *Verizon Directories Corp. v. Tamra Hartley and Domains by Proxy, Inc.*, WIPO Case No. D2006-0176 (April 10, 2006); *The Cheesecake Factory Inc. and The Cheesecake Factory Assets Co., LLC v. Say Cheesecake*, WIPO Case No. D2005-0766 (September 12, 2005); *Pelmorex Communications Inc. v. weathernetwork*, WIPO Case No. D2004-0898 (December 18, 2004); *Sybase, Inc. v. Analytical Systems*, WIPO Case No. D2004-0360 (June 24, 2004); *Caesars World, Inc. and Park Place Entertainment Corporation v. Japan Nippon*, WIPO Case No. D2003-0615 (September 30, 2003); *MPL Communications, Limited and MPL*

*Communications, Inc. v. LOVEARTH.net*, FA 97086 (Nat. Arb. Forum, June 4, 2001); *Leiner Health Services Corp.*; *America Online, Inc. v. Xianfeng Fu*, WIPO Case No. D2000-1374 (December 12, 2000); and *Treeforms, Inc. v. Cayne Industrial Sales, Corp.* FA 95856 (Nat. Arb. Forum, December 18, 2000). Consequently, the Respondent could not legally acquire any public association between it and the LASSIE Marks, in conjunction with those goods and services, and hence could never be commonly known or recognized by any of those marks or a term confusingly similar thereto and thus could never fall within paragraph 4(c)(ii) of the Policy.

Thus, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name within Paragraph 4(a)(ii) of the Policy.

#### **D. Registered and Used in Bad Faith**

The Panel believes that the Respondent's actions constitute bad faith registration and use of the disputed domain name.

Moreover, the Panel is simply not persuaded at all by the Respondent's argument that his inability, due to economic conditions, to have used the disputed domain name, as he first claims, with a vanity web site excuses his subsequent passive holding of the name. It does not.

The undisputed facts here are simply that the Respondent – for now seven years since he registered the name, never used the name for his vanity web site or for any purpose other than, for a three year period from 1999-2002, to resolve to his unofficial commercial fan site for the Complainant's LASSIE character. That use commenced only one month after the January 1999 registration date, which preceded by some 10 months the launch of the Respondent's vanity web site itself (even ignoring the fact that apparently the Respondent, despite his stated intentions, never actually used the disputed domain name in conjunction with that site).

There can be no question whatsoever that the Respondent was well aware of the Complainants' LASSIE Marks when, in spite of that knowledge, he registered the name and subsequently used it in conjunction with his commercial fan site.

Therefore, the Panel dismisses the Respondent's intentions as evidencing any claim to legitimacy he might have had as being totally inconsistent with his actual actions. Consequently, the Panel finds that the Respondent registered the domain name in bad faith.

Further, even though the Respondent evidently terminated his fan site in 2002, he continued, in spite of his knowledge of the Complainant's marks and contrary to the rights of the Complainant, to simply retain the domain name and moreover subsequently renewed that name earlier this year. Such retention, here over a four year period, constitutes actionable passive holding indicative of bad faith under the Policy. Various panels have held that passive holding, coupled with a respondent's knowledge of trademark rights of a complainant in the name being so held – as is clearly the case here – can amount to bad faith use under paragraph 4(a)(iii) of the Policy. See, e.g., *Mobile Communication Service Inc. v. WebReg, RN*, WIPO Case No. D2005-1304; *Cheesecake Factory, cited supra*; *Bayer Aktiengesellschaft v. Henrik Monssen*, WIPO Case No. D2003-0275 (May 30, 2003); *Lake at Las Vegas Joint Venture v. Principal Equiti, Inc.*, WIPO Case No. D2002-0758 (October 4, 2002); *America Online, Inc. v. Curtis Woods*, WIPO Case No. D2001-0555 (June 13, 2001); *Awesome Kids LLC and/or Awesome Kids L.L.C. v. Selavy Communications*, WIPO Case No. D2001-0210

(April 16, 2001); *402 Shoes, Inc. d/b/a Trashy Lingerie v. Jack Weinstock and Whispers Lingerie*, WIPO Case No. D2000-1223 (January 2, 2001); *Liberty Public Limited Company v. Thomas Guarrera*, FA 95103 (Nat. Arb. Forum August 17, 2000); *V & S Vin & Spirit Aktiebolag v. Gunnar Hedenlans Peev* FA 95078 (Nat. Arb. Forum August 9, 2000); *Reylon Consumer Prods. Corp. v. Yosef*, WIPO Case No. D2000-0468 (July 27, 2000); *Telstra Corporation Limited v. Nuclear Marshmallows* WIPO Case No. D2000-0003 (February 18, 2000); and *Mary-Lynn Mondich and American Wine Biscuits, Inc. v. Shane Brown d/b/a Daddy's Antiques* WIPO Case No. D2000-0004 (February 16, 2000). Moreover, in the view of a majority of the Panel, the Respondent's bad faith use is further demonstrated and exacerbated by the Respondent's action, despite his continuing knowledge of the Complainant's marks, of having renewed his registration of the disputed domain name.

Hence, the Panel views the Respondent's actions as constituting bad faith registration and use in accordance with paragraph 4(a)(iii) of the Policy.

Thus, the Panel concludes that the Complainant has provided sufficient proof of its allegations to establish a case under paragraph 4(a) of the Policy upon which the relief it now seeks can be granted.

## 7. Decision

Accordingly, under paragraphs 4(i) of the Policy and 15 of the Rules, the Panel now grants the relief sought by the Complainant.

The disputed domain name <lassie.com> is ordered transferred to the Complainant.

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Peter L. Michaelson  
Presiding Panelist

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Keita Sato  
Panelist

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David E. Sorkin  
Panelist

Dated: June 19, 2006