

- d. Fax: (801) 665-1292
- e. E-Mail: steve@uspatentlaw.us

The Complainant's preferred method for communications directed to the Complainant in the administrative proceeding: ICANN Rule 3(b)(iii).

Electronic-Only Material

- a. Method: E-mail
- b. Address: steve@uspatentlaw.us
- c. Contact: Steven L. Rinehart

Material Including Hard Copy

- a. Method: Fax
- b. Fax: (801) 665-1292
- c. Contact: Steven L. Rinehart

The Complainant chooses to have this dispute heard before a single-member administrative panel. ICANN Rule 3(b)(iv).

B. The Respondent

According to the concerned registrar's WhoIs database, the Respondent in this administrative proceeding is below. Copies of the printout of the database searches conducted are annexed hereto as **Annex A**. This is all the information known to Complainant regarding how to contact the Respondent. The registrant is the same for each of the domain names in dispute.

- a. Name: FriendsOf PNCH
- b. Address: 4142 Ogletown-Stanton Rd
Neward, DE 19713
- c. Telephone: 302-287-0880
- d. Fax: N/A
- e. E-Mail: larry_icpa@yahoo.com

III. The Domain Names and Registrar

- a. The following domain names are the subject of this Complaint: ICANN Rule 3(b)(vi).

- <stevensamblis.com>
- <stevensamblis.net>
- <stevesamblis.com>
- <samblis.com>

- b. The registrar(s)' with which the domain name are registered are below. Information: ICANN Rule 3(b)(vii).

- 1. Registrar's Name: GoDaddy
- 2. Registrar's Address: 14455 N. Hayden Rd.
Suite 219
Scottsdale, AZ 85260

3. Telephone Number: (480) 505-8899
4. Facsimile Number: (480) 505-8844
5. E-Mail Address: customerservice@godaddy.com

- c. Trademark/Service Mark Information: ICANN Rule 3(b)(viii).

Registered trademark rights in the service mark: **STEVEN SAMBLIS**

IV. Language of Proceedings

- a. To the best of the Complainant's knowledge, the language of the Registration Agreement is English, a copy of which is annexed hereto as **Annex B**. The Complaint has been submitted in English.

V. Jurisdictional Basis for the Administrative Proceeding

- a. This dispute is properly within the scope of the Uniform Domain Name Dispute Resolution Policy (UDRP) (the "Policy") and WIPO has jurisdiction to decide the dispute. The Registration Agreement, pursuant to which the domain that is subject of this Complaint is registered, incorporates the Policy. A true and correct copy of the domain name dispute policy that applies to the domain name in question is provided as **Annex C** to this Complaint.

VI. Grounds for Refiling of This Second UDRP Complaint

This Complaint is the second UDRP case initiated under the Policy involving the domains <stevensamblis.com>, <stevensamblis.net>, <stevesamblis.com>, and <samblis.com> (collectively the "Disputed Domains") against apparently the same respondent. In accordance with the consensus view expressed in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition ("WIPO Overview 2.0") *available at* <http://www.wipo.int/amc/en/domains/search/overview2.0/#44>, the Complainant provides background on the original UDRP case and submits his grounds for this, the second case made under the Policy. WIPO Overview 2.0 provides that, that "a refiled complaint" should "usually . . . be accepted if it includes newly presented evidence that was reasonably unavailable to the complainant during the original case." WIPO Overview 2.0 goes on to state that a "re-filing complaint must clearly indicate the grounds allegedly justifying the refiling of the complaint . . . which might justify entertaining the refiled complaint."

On November 21, 2014, the Complainant submitted a Complaint under the Policy to the National Arbitration Forum (NAF), in which the Complainant asserted common law trademark rights in the Mark STEVEN SAMBLIS. Although the Complainant believed he submitted significant evidence of common law trademark rights, including dozens of videos showing the Complainant interviewing well-known celebrity personalities (which videos used the Complainant's name as a mark in subtitles, titles and elsewhere),¹ movie credit references the Complainant, news articles, and

¹ Including Alec Baldwin, Sam Worthington, Jason Biggs, Russell Brand, Tim Burton, James Cameron, Tia Carrere, Tom Cruise, Paul Giamatti, Dwayne "the Rock" Johnson, Julianne Hough, Queen Latifah, Matthew McConaughey, Liam Neeson, Dolly Parton, Michelle Pfeiffer, Tara Reid, Susan Sarandon, Channing Tatum, Robin Williams, Billy Zane, Catherine Zeta Jones, Zach Galifianakis, Brian Cranston, Will Ferrell, John Goodman, Ashley Greene, Sandra Bullock,

other evidence, in the shortest UDRP decision Complainant's counsel is aware of, the Panel denied the former complaint finding there was not sufficient evidence of common law rights, and ruled as follows on January 5, 2015:

In order to obtain protection for common law trademarks, the personal name has to have taken the characteristics of a trademark and acquired sufficient secondary meaning. There are a variety of factors that have to be considered, like the extent of its usage in connection with goods or services and the degree to which the relevant public in connection with goods recognizes the name and services. Based on the Complainant's contention and evidence submitted, **the Panel finds that Complainant has done an insufficient showing that STEVEN SAMBLIS is a trademark protectable and prosecutable under the UDRP** and determines that Complainant has failed to illustrate rights in a mark under Policy ¶ 4(a)(i).

This decision is annexed hereto as **Annex D**. The original UDRP case was denied because the Complainant was found not to lack trademark rights, but to have submitted insufficient evidence of them ("Complainant has done an insufficient showing that STEVEN SAMBLIS is a trademark"). Since this decision was reached, the Complainant has secured registered trademark rights in the mark STEVEN SAMBLIS (U.S. Reg. No. 2803169) on the Principal Register in the United States as manifest by the registration annexed hereto as **Annex E**. The Complainant submits that this new trademark registration is prima facie evidence of trademark rights, and constitutes new grounds justifying the refiling of the present complaint.

In the case of *Koç Holding A.S. v. KEEP B.T.*, (WIPO D2009-0938, Aug. 31, 2009), WIPO explained that acquiring a registered trademark can serve as new grounds for refiling a UDRP case:

The Complainant previously filed a complaint with the Center against what may be the same Respondent on December 19, 2000, see *Koç Holding A.S. v. MarketWeb A.S.*, WIPO Case No. D2000-1764. The Complainant notes this complaint was denied on the grounds that the Complainant **had failed to establish registered trademark rights** and did not claim common law rights. The Complainant filed the instant Complaint based on new evidence that was not available at the time of the previous complaint, namely registration of its trademark, subsequent bad acts, and at least a nominal registrant change. The Complainant cites several UDRP decisions which have dealt with re-filing of complaints. Complaints have been permitted to be re-filed if the re-filed complaint presents fresh evidence not available at the time of the previous complaint. Some prior panels have also found that subsequent registration of a trademark is considered to be fresh evidence not previously available.

The Panel decided to rehear this case because there was a new trademark registration ("the previous complaint was denied as the Complainant failed to establish the first element, and new evidence, i.e., the Complainant's trademark registration, that was evidently not reasonably available at the time of the previous complaint has been submitted in the new Complaint . . . Therefore, the Panel finds the re-filed Complaint should be heard.").

Additionally, in *Alpine Entertainment Group v. Walter Alvarez*, (WIPO D2007-1082, Dec. 4, 2007) a three-member UDRP panel clarified a previously unsuccessful UDRP complaint could be re-filed if registered trademark rights were obtained. In the original case, the panel gave no weight to the Complainant's common law rights. However, once the Complainant's federal trademark

Jim Carrey, George Clooney, Ryan Gosling, Peter Jackson, Ian McKellen, Sean Penn, Ron Perlman, Emma Stone, Elijah Wood, as well as many others.

perfected, the Complainant re-filed. The Panel cited *Creo Products Inc. v. Website In Development*, (WIPO D2000-1490, Jan. 19, 2001) holding:

First, the burden of establishing that the Refiled Complaint should be entertained under the Uniform Policy rests on the refiling complainant. Secondly, that burden is high. Thirdly, the grounds which allegedly justify entertaining the Refiled Complaint need to be clearly identified by the refiling complainant.”

The Panel applied *Creo* and found that the perfection of the Complainant’s federal trademark rights rises to this level, and was sufficient grounds to have the case re-heard. The panel ruled that trademark was not in existence at the time of the earlier decision and was therefore unable to be considered by the prior panel in relation to its original finding under the threshold first element of the Policy, and that the new case should be heard. Upon re-hearing the complaint, the Panel ruled 3-0 in favor of the Complainant. The Panel is this case should do likewise.

In addition to acquiring a registered trademark since the original case, there is further evidence supporting rehearing in the present case, including the fact that (1) the Respondent has again changed the registration by putting the registration under a privacy guard, and (2) the Respondent has again attempted to extort the Complainant since the original decision in numerous writings and blog posts annexed hereto as **Annex F**, available at: <http://icvutelevision.net/> (which is linked to by <samblis.com>). These blog posts are calculated to destroy the Complainant personally and professionally, and demean and belittle the Complainant for filing the original UDRP case.

In short, these reasons collectively justify the filing this second UDRP action and rehearing by the Panel in this case.

VI. Factual and Legal Grounds

This Complaint is based on the following factual and legal grounds: ICANN Rule 3(b)(ix).

a. The Complainant’s Background

6. The Complainant Steven Samblis is a prominent businessman and television personality in California, and the owner of a valid and subsisting registered trademark before the U.S. Patent and Trademark Office for STEVEN SAMBLIS (Reg. No. 4803169) with a first use in commerce date of February 8, 2005 (attached hereto as **Exhibit E**). This trademark constitutes a showing of acquired distinctiveness.

7. Mr. Samblis entered the business community as stock broker with Dean Witter in 1985, where he was ranked one of Dean Witter “Top 50 Rookies.” While working as a stockbroker and IPO analyst, Complainant was referenced by his mark STEVEN SAMBLIS mark in hundreds of articles, including The Wall Street Journal, Time Magazine,² Barons, US News and World Report, DowJones News Service and many others. Copies of many of these articles are annexed hereto as **Annex G**.

8. Later, Mr. Samblis was employed to host seminars for 250,000 people by The Investors Institute in the late-1990s and spoke before the US Congress as a representative of T. Boone

² <http://content.time.com/time/magazine/article/0,9171,984864,00.html>

Pickens' United Shareholders Association in 1987. The Complainant created the first fax-based marketing company selling self-improvement programs across North America in the 1990s and collaborated with *Chicken Soup for the Soul* co-creator Mark Victor Hansen to create the audio program *The World's Greatest Marketing Tool*. Currently, the Complainant is the CEO of IC Places, Inc., a publicly traded company on the OTC board (PNCH).

9. Beginning in 2008, the Complainant co-hosted *The Instant Movie Review*, a weekly club show in which he and his co-host critiqued movies from the screen to the camera. His movie reviews have been watched 80 million times on mevio.com, a website started by MTV founder Adam Curry. The Complainant also hosted a syndicated television program in which Mr. Samblis interviewed movie directors and actors about upcoming major films. From 2008 to 2013, Mr. Samblis interviewed on television every Hollywood director who directed a major blockbuster movie during that six-year period and many actors, including Alec Baldwin, Sam Worthington, Jason Biggs, Russell Brand, Tim Burton, James Cameron, Tia Carrere, Tom Cruise, Paul Giamatti, Dwayne "the Rock" Johnson, Julianne Hough, Queen Latifah, Matthew McConaughey, Liam Neeson, Dolly Parton, Michelle Pfeiffer, Tara Reid, Susan Sarandon, Channing Tatum, Robin Williams, Billy Zane, Catherine Zeta Jones, Zach Galifianakis, Brian Cranston, Will Ferrell, John Goodman, Ashley Greene, Sandra Bullock, Jim Carrey, George Clooney, Ryan Gosling, Peter Jackson, Ian McKellen, Sean Penn, Ron Perlman, Emma Stone, Elijah Wood, as well as many others. Many of these interviews are archived online at <http://www.filmon.com/tv/hollywood-fast-lane>. A screenshots of the Complainant being referenced in these videos by his mark is annexed hereto as **Annex H** and shown to the right. In each of these videos, the mark STEVEN SAMBLIS is used throughout the video and in connection with description and metadata on it.



10. The Complainant Mr. Samblis has worked as credited producer on over twenty Hollywood movies and TV series, including *Static*, *Sangre Negra*, *Hollywood Fast Lane*, *IC Places Hollywood*, *The Uncommon Denominator*, *Vigilante Diaries*, *Travel Tech*, and *Behind the Mask*. Mr. Samblis is also credited as a writer for the TV programs *Goulash* and *Behind the Mask*. Mr. Samblis is also credited as a writer for the movies *the Conjuring*, *Oblivion*, *the Hangover III*, *Gravity* and *Pacific Rim*. Mr. Samblis has also had acting parts in a number of movies and television series which are summarized at http://www.imdb.com/name/nm4424314/?ref=fn_al_nm_1. His credits are annexed hereto as **Annex I**.

11. Many sites and publications evidence the stature and notoriety in the mind of the public which the Complainant has accrued in his service mark STEVEN SAMBLIS. Evidence of this notoriety on the part of others includes inter alia:

- (a) A television interview by the Complainant with Robin Williams at <http://www.funyordi.com/samblis> (one sample of several hundred interviews);

- (b) The Complainant's Filmography report at Internet Movie Database (IMDb) at http://www.imdb.com/name/nm4424314/?ref=fn_al_nm_1 annexed hereto as **Annex I**;
- (c) The website of IC Places, Inc. D/B/A Imagination TV at <http://www.icplaces.com/> which identifies Complainant in the About Us page as the CEO (screenshots annexed hereto as **Annex J**);³ and
- (d) Hundreds of pictures on Facebook of Mr. Samblis interviewing actors and directors at <https://www.facebook.com/media/set/?set=a.357632200919524.109063.259824360700309&type=3>, examples of which are collectively annexed hereto as **Annex K**.

12. The association in the mind of the public between the Complainant and the STEVEN SAMBLIS Mark is extensive.

13. Since entering the business community three decades ago and the entertainment community five years ago, Mr. Samblis has promoted himself using his service mark STEVEN SAMBLIS (the "Mark"). The Complainant been featured by many media outlets in the course of his career, which media outlets have all recognized him by his Mark. With the Complainant's notoriety has come a detractor, however, whose identity is unknown to the Complainant; and who have begun hosting Internet sites dedicated to the embarrassment and personal ruin of Mr. Samblis. This individual is the Respondent to this action.

b. The Respondent's Bad Faith Registration and Use of the Disputed Domain

14. The Respondent registered the domains underlying this proceeding <stevensamblis.com>, <stevensamblis.net>, <stevesamblis.com>, and <samblis.com> (the "Disputed Domains") for the bad faith purpose of using initial interest confusion created by the Disputed Domains to libel the Complainant, to extort the Complainant for money to transfer him the Disputed Domains, and to personally ruin the Complainant. The Respondent's registration of the Disputed Domains is attested by the WhoIs records collectively annexed hereto as **Annex A**. The first of these domains was formerly owned by the Complainant until July of 2013, when it was registered by the Respondent after the Complainant accidentally allowed the registration to lapse. All of the Disputed Domains were registered between May and December of 2013, however privacy guards were added to the Disputed Domain registrations in February of 2015.

15. Each of the Disputed Domains resolve to an identical website, screenshots of which are annexed hereto as **Annex L**. These screenshots show that the Respondent's use of the Disputed Domain is calculated to interfere with the Complainant's business affairs and drive traffic intended for the Complainant to the Respondent's site. The Disputed Domains which wholly incorporate Mr. Samblis's common law service mark.

16. The Respondent actually admits knowing of the Complainant's notoriety and registering the Disputed Domain in bad faith in the first paragraph of the websites, saying:

³ See also <http://www.filmon.com>

We were alerted that this domain name was available by someone unknown to us via an email. Mr. Samblis previously held the rights to his namesake domain address, and we couldn't believe he would let it lapse. Given that we own and maintain a series of sites we thought it would be a good idea to purchase the domain address and use it to drive traffic to our other sites. So we did.

17. The first domain <stevensamblis.com> was originally registered in 2005 by the Complainant, who accidentally allowed the domain registration to expire in 2013. Evidence of Complainant's former registration of the domain is annexed hereto as **Annex M**. Later, the Respondent offered to sell the Disputed Domain to the Complainant. These facts are also noted by the Respondent himself on the website to which this domain resolves. *Id.* Thereafter, the Respondent began using the Disputed Domains in an attempt to extort the Complainant for money. As shown by the blog posts annexed as **Annex F** hereto (and available at: <http://icvutelevision.net/>), every month the Respondents posts a new defamatory post about the Complainant.

18. The Respondent has constructed and published a website resolved to by the Disputed Domains which contains false and misleading information antithetical to, and calculated to interfere with, the Complainant's economic relationships (the "Website"). The Website contains misstatements of fact concerning the Complainant and baseless allegations and disparaging characterizations of the Complainant. Information on the Website is, in fact, highly libelous, from allegations that Mr. Samblis is a criminal and dishonest in his business affairs to allegations Mr. Samblis unlawfully manipulates his stock price using aliases.

19. The Respondent's conduct evidences a malicious, vindictive and purposeful campaign intended to embarrass, discredit, and defame the Complainant and to vitiate, dishonor, and impair the reputation and goodwill of the STEVEN SAMBLIS service mark. In short, the Respondent's registrations and use of the Disputed Domains are in bad faith. The bad-faith purposes for which the Respondent registered and is using the Disputed Domains include, inter alia, confusing the Complainant's clients, diverting traffic intended for the Complainant, disrupting the Complainant's business, harming the Complainant's client(s), and/or depriving the Complainant of use of its service mark in the Disputed Domains online.

20. The Respondent registered the Disputed Domains with knowledge of the Complainant's notoriety and common law rights in the Disputed Domain. It was the very fact that the Respondent knew Internet users would be searching for the service mark STEVEN SAMBLIS that motivated the Respondent to register the Disputed Domains. The Respondent's registration itself is evidence of the secondary meaning and notariety ascribed to the Mark, as the Respondent's actions manifest a recognition of value and repute of the Complainant's Mark. *Minnesota Mining and Manufacturing Company v. Mark Overboy*, WIPO Case No. D2001-0727, held that:

The Respondent's registration of the domain names has been made with the purpose of preventing the Complainant from reflecting the mark in corresponding domain names [emphasis added]– in order to force [complainant] into transfer-for-price negotiations.

21. The Respondent's unlawful conduct has and will damage the Complainant through the loss of customers, profits, business, and good will – as well as by damage to the

Complainant's reputation and diluting the Mark itself. The Complainant has suffered further damage through expenditures associated with bringing this action.

c. The Complainant's Mark

22. As shown above, the Complainant has been using the mark STEVEN SAMBLIS in commerce since 1985 when the Complainant first began doing business as a businessman and consultant. As a registered mark, the STEVEN SAMBLIS mark is inherently distinctive. The public, including the Respondent, have come to recognize the Complainant's Mark as the distinctive identifier that it is, and to know, associate and ascribe secondary meaning between the STEVEN SAMBLIS Mark and the Complainant's services.

23. The Mark has become famous, and the Complainant had acquired secondary meaning in it for all of the aforesaid reasons.⁴ *See Kahn Dev. Co. v. RealtyPROshop.com*, FA 568350 (Nat. Arb. Forum June 23, 2006) (holding that the complainant's VILLAGE AT SANDHILL mark acquired secondary meaning among local consumers sufficient to establish common law rights where the complainant had been continuously and extensively promoting a real estate development under the mark for several years); *see also Toyota Sunnyvale v. Adfero Publ'g Co.*, FA 921194 (Nat. Arb. Forum Apr. 10, 2007) (concluding that the complainant's TOYOTA SUNNYVALE mark had acquired secondary meaning sufficient for it to establish common law rights in the mark through continuous and extensive use of the mark since 2003 in connection with a car dealership under that mark).

d. Confusing Similarity

24. Confusing similarity is self-manifest. Three of the Disputed Domains wholly incorporates the common law Mark, and are identical thereto, while the fourth <samblis.com> is confusingly similar. The Disputed Domains contain no textual elements that would distinguish the from the Complainant. The NAF considers the gTLD to be irrelevant to its Policy ¶ 4(a)(i) analysis. *See Trip Network Inc. v. Alviera*, FA 914943 (Nat. Arb. Forum Mar. 27, 2007) (concluding that the addition of a gTLD, whether it be ".com," ".net," ".biz," or ".org," is irrelevant to a Policy ¶ 4(a)(i) analysis).

e. Rights and Legitimate Interest

25. The Respondent maintains what has come to be known under the UDRP as a "gripe site" or "criticism site." Throughout hundreds of decisions, the issue of legitimate interest with respect to gripe sites has become settled. Shortly stated, the majority view is now that a respondent is not making legitimate use of a domain name when that respondent uses a complainant's own trademark in the domain to divert the complainant's customers to the gripe site. The recent case of *Dar Al-Arkan Real Estate Development Company v. Anonymous Speech*, D2012-0692 (WIPO June 4, 2012) (ordering transfer of a gripe site) illustrates the majority view:

⁴In cases decided under the Policy a complainant may demonstrate common law trademark rights if its mark has become associated in the mind of the purchasing public with the complainant's particular business. Further, "[e]ven if secondary meaning had been acquired only in a limited geographical area, Complainant would nevertheless have established sufficient common law trademark rights within the meaning of Paragraph 1(a)(i) of the Policy," *Australian Trade Comm'n v. Reader*, D2002-0786 (WIPO November 12, 2002).

The Panel is aware of the issue whether a criticism site can give rise to a right or legitimate interest for the purpose of Paragraph 4(a)(ii) of the Rules because it amounts to a legitimate noncommercial or fair use of the domain name. This issue was considered at length and the views of UDRP panelists in other cases were reviewed extensively in *Chubb Security Australia PTY Limited v. Mr. Shahim Tahmasebi*, WIPO Case No. D2007-0769. The Panel agrees with the view expressed in this case that it is not legitimate to use the Complainant's own trademark as a platform for criticizing the Complainant itself. Also, as stated in that decision, there is nothing to prevent the Respondent from choosing a domain name that more accurately states its purpose as a criticism site and is not identical or confusingly similar to the Complainant's trademark.

26. The World Intellectual Property Organization (WIPO) itself summarized the majority view on this issue in its 2011 Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition ("WIPO Overview 2.0"):

The right to criticize does not necessarily extend to registering and using a domain name that is identical or confusingly similar to the complainant's trademark. That is especially the case if the respondent is using the trademark alone as the domain name (i.e., <trademark.tld>) as that may be understood by Internet users as impersonating the trademark owner. Where the domain name comprises the protected trademark plus an additional, typically derogatory term (e.g., <trademarksucks.tld>), some panels have applied [the minority view] below.

27. WIPO makes it clear above that the minority view has only been applied when "the domain name comprises the protected trademark plus a . . . derogatory term." Examples of derogatory terms include "sucks," "terrible," "rip off" and the like. In this case, the Disputed Domain contains no derogatory terms necessary to invoke the minority view of those panelists subscribing to it. This analysis is supported, inter alia, by *Skattedirektoratet v. Eivind Nag*, WIPO Case No.D2000-1314, (transferring <skatteetaten.com>); *Myer Stores Limited v. Mr. David John Singh*, WIPO Case No.D2001-0763, (transferring <myeronline.com>), *Triodos Bank NV v. Ashley Dobbs*, WIPO Case No.D2002-0776, (transferring <triodos-bank.com>); *The Royal Bank of Scotland Group plc, National Westminster Bank plc A/K/A NatWest Bank v. Personal and Pedro Lopez*, WIPO Case No.D2003-0166, (transferring <natwestbanksucks.com>); *Kirkland & Ellis LLP v. DefaultData.com, American Distribution Systems, Inc.*, WIPO Case No.D2004-0136, (transferring <kirklandandellis.com>); and others.

28. WIPO has adopted the majority view and cited the WIPO views in support of its decisions. In *Frank Risalvato v. Ryan Kovach*, FA1008001338369 (Nat. Arb. Forum Sep. 13, 2012), the Panel held:

Use of the disputed domain names that are identical to Complainant's mark is not a *bona fide* offering of goods or services under Policy ¶ 4I(i) or a legitimate noncommercial or fair use of the disputed domain names under Policy ¶ 4I(iii). See *Compagnie Generale des Matieres Nucleaires v. Greenpeace Int'l*, D2001-0376 (WIPO May 14, 2001) (holding that the respondent's showing that it "has a right to free speech and a legitimate interest in criticizing the activities of organizations like the Complainant . . . is a very different thing from having a right or

legitimate interest in respect of [a domain name that is identical to Complainant's mark]"); *see also Monty & Pat Roberts, Inc. v. Keith*, D2000-0299 (WIPO June 9, 2000) (“[T]he Panel does not dispute Respondent’s right to establish and maintain a website critical of Complainant . . . However, the panel does not consider that this gives Respondent the right to identify itself as Complainant.”)”

29. The Respondent is not making legitimate noncommercial, or fair use of the Disputed Domains pursuant to Policy ¶ 4I(iii). Panels in the past have found that a respondent’s use of a disputed domain name in a way that amounts to an attraction of visitors intended for the complainant is evidence of bad faith registration and use pursuant to Policy ¶ 4(b)(iv). *See Kosmea Pty Ltd. V. Krpan*, D2000-0948 (WIPO Oct. 3, 2000) (finding no rights in the domain name where Respondent has an intention to divert consumers of Complainant’s products to Respondent’s site by using Complainant’s mark); *see also Vapor Blast Mfg. Co. v. R & S Tech., Inc.*, FA 96577 (Nat. Arb. Forum Feb. 27, 2001) (finding that Respondent’s commercial use of the domain name to confuse and divert Internet traffic is not a legitimate use of the domain name); *see also Allianz of Am. Corp. v. Bond*, FA 680624 (Nat. Arb. Forum June 2, 2006) (finding bad faith registration and use under Policy ¶ 4(b)(iv) where the respondent was diverting Internet users searching for the complainant to its own website); *see also MySpace, Inc. v. Myspace Bot*, FA 672161 (Nat. Arb. Forum May 19, 2006) (holding that the respondent registered and used the <myspacebot.com> domain name in bad faith by diverting Internet users seeking the complainant’s website to its own website).

30. The Respondent has not been commonly known by the name Steven Samblis and the Respondent has acquired no trademark or service mark rights in the Complainant’s Mark prior to notice of this dispute. The Respondent has not carried on any legitimate business at the Disputed Domains prior to notice of this dispute. *See Singapore Airlines Ltd. V. Robert Nielson (trading as Pacific International Distributors)*, WIPO Case No. D2000-0644 (Aug. 29, 2000). It goes without saying that the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its Mark or the Disputed Domain.

31. The Complaint prays for a decision of the panel transferring the Disputed Domains to the Complainant.

2. **REMEDY SOUGHT**

The Complainant requests that the Panel issue a decision that the domain-name registrations be transferred to the Complainant. ICANN Rule 3(b)(x); ICANN Policy ¶ 4(i).

3. **OTHER LEGAL PROCEEDINGS**

No other legal proceedings have been commenced or terminated in connection with or relating to the domain name that is the subject of this Complaint. ICANN Rule 3(b)(xi).

4. **COMPLAINANT TRANSMISSION**

The Complainant asserts that a copy of this Complaint, together with the cover sheet as prescribed by NAF’s Supplemental Rules, has been sent or transmitted to the Respondent (domain-name holder), in accordance with ICANN Rule 2(b) and to the Registrar(s) of the

domain name(s), in accordance with NAF Supp. Rule 4I. ICANN Rule 3(b)(xii); NAF Supp. Rule 4(c).

5. **MUTUAL JURISDICTION**

The Complainant will submit, with respect to any challenges to a decision in the administrative proceeding canceling or transferring the domain name, to the jurisdiction of the Registrant. ICANN Rule 3(b)(xiii).

6. **CERTIFICATION**

The Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the domain-name holder and waives all such claims and remedies against (a) WIPO and panelists, except in the case of deliberate wrongdoing, (b) the registrar, (c) the registry administrator, and (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

The Complainant certifies that the information contained in this Complaint is to the best of Complaint's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully Submitted,
STEVEN SAMBLIS,
By his attorney,

/s/ 

Steven L. Rinehart
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Date: April 6, 2016

SCHEDULE OF ANNEXES *ICANN Rule 3(b)(xv).*

| | |
|---------|--|
| Annex A | WhoIs Records from Registrar |
| Annex B | Registration Agreement in English |
| Annex C | ICANN Uniform Domain Name Resolution Policy (UDRP) |
| Annex D | Former UDRP Decision |
| Annex E | Registered Trademark of Complainant |
| Annex F | New Blog Posts of Respondent |
| Annex G | Copies of Various Publications Referencing Complainant |
| Annex H | Screenshot of Videos |
| Annex I | IMDb Filmography |
| Annex J | Website of IC Places, Inc. D/B/A Imagination TV |
| Annex K | Facebook Page Screenshots |
| Annex L | Screenshot of Respondent's Website |
| Annex M | Complainant's Former Registration |