

Before the:  
WORLD INTELLECTUAL PROPERTY ORGANIZATION  
ARBITRATION AND MEDIATION CENTER

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DONALD J. TRUMP,

Complainant,

v.

SCOTT STEPHENS,

Respondent.

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**RESPONSE**

Case No. D2015-0478

Disputed Domain:

TRUMPESTATES.COM

Respondent SCOTT STEPHENS (“Respondent”) by and through his attorney at law of record BRIAN L. PONDER, ESQ. of the law firm BRIAN PONDER LLP responds in accordance with the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”) to the Complaint of Complainant DONALD J. TRUMP dated March 18, 2015 (the “Complaint”) as follows:

1. Respondent denies the allegations of paragraph 1 of Complainant’s Complaint.
2. Respondent denies the allegations of paragraph 2 of Complainant’s Complaint.
3. Respondent denies the allegations of paragraph 3 of Complainant’s Complaint.
4. Respondent denies the allegations of paragraph 4 of Complainant’s Complaint.
5. Respondent denies the allegations of paragraph 5 of Complainant’s Complaint.
6. Respondent denies the allegations of paragraph 6 of Complainant’s Complaint.
7. Respondent denies the allegations of paragraph 7 of Complainant’s Complaint.
8. Respondent denies the allegations of paragraph 8 of Complainant’s Complaint.
9. Respondent admits the allegations of paragraph 9 of Complainant’s Complaint.
10. Respondent denies the allegations of paragraph 10 of Complainant’s Complaint.
11. Respondent denies the allegations of paragraph 11 of Complainant’s Complaint.

12. Respondent denies the allegations of paragraph 12 of Complainant's Complaint.
13. Respondent denies the allegations of paragraph 13 of Complainant's Complaint.
14. Respondent denies the allegations of paragraph 14 of Complainant's Complaint.
15. Respondent denies the allegations of paragraph 15 of Complainant's Complaint.
16. Respondent denies the allegations of paragraph 16 of Complainant's Complaint.
17. Respondent denies the allegations of paragraph 17 of Complainant's Complaint.
18. Respondent denies the allegations of paragraph 18 of Complainant's Complaint.
19. Respondent denies the allegations of paragraph 19 of Complainant's Complaint.
20. Respondent denies the allegations of paragraph 20 of Complainant's Complaint.
21. Respondent denies the allegations of paragraph 21 of Complainant's Complaint.
22. Respondent denies the allegations of paragraph 22 of Complainant's Complaint.
23. Respondent denies the allegations of paragraph 23 of Complainant's Complaint.
24. Respondent denies the allegations of paragraph 24 of Complainant's Complaint.
25. Respondent denies the allegations of paragraph 25 of Complainant's Complaint.
26. Respondent denies the allegations of paragraph 26 of Complainant's Complaint.
27. Respondent denies the allegations of paragraph 27 of Complainant's Complaint.
28. Respondent denies the allegations of paragraph 28 of Complainant's Complaint.
29. Respondent denies the allegations of paragraph 29 of Complainant's Complaint.
30. Respondent denies the allegations of paragraph 30 of Complainant's Complaint.
31. Respondent denies the allegations of paragraph 31 of Complainant's Complaint.
32. Respondent denies the allegations of paragraph 32 of Complainant's Complaint.
33. Respondent denies the allegations of paragraph 33 of Complainant's Complaint.

34. Respondent denies the allegations of paragraph 34 of Complainant's Complaint.
35. Respondent denies the allegations of paragraph 35 of Complainant's Complaint.
36. Respondent denies the allegations of paragraph 36 of Complainant's Complaint.
37. Respondent denies the allegations of paragraph 37 of Complainant's Complaint.
38. Respondent denies the allegations of paragraph 38 of Complainant's Complaint.
39. Respondent denies the allegations of paragraph 39 of Complainant's Complaint.
40. Respondent denies the allegations of paragraph 40 of Complainant's Complaint.
41. Respondent denies the allegations of paragraph 41 of Complainant's Complaint.
42. Respondent denies the allegations of paragraph 42 of Complainant's Complaint.
43. Respondent denies the allegations of paragraph 43 of Complainant's Complaint.
44. Respondent admits the allegations of paragraph 44 of Complainant's Complaint.
45. Respondent denies the allegations of paragraph 45 of Complainant's Complaint.
46. Respondent denies the allegations of paragraph 46 of Complainant's Complaint.

#### AFFIRMATIVE DEFENSES

47. The Complaint does not comply with Paragraph 3(a) of the Rules and must be dismissed because the Complaint is not "in accordance with the Policy and . . . Rules to any Provider approved by ICANN."
48. The Complaint does not comply with Paragraph 3(b)(iv) of the Rules and must be dismissed because the Complaint does not "[d]esignate whether Complainant elects to have the dispute decided by a single-member or a three-member **Panel**[" (Emphasis added.)
49. The Complaint does not comply with Paragraph 3(b)(v) of the Rules and must be dismissed because the Complainant does include the known telefax numbers of the Respondent.

50. The Complaint does not comply with Paragraph 3(b)(viii) of the Rules and must be dismissed because the Complainant does not “[s]pecify the trademark(s) or service mark(s) on which the complaint is based and, for each mark, describe the goods or services, if any, with which the mark is used[.]” Complainant only includes a “representative sample” of its trademarks, none of which include trumpestates.com.
51. The Complaint does not comply with Paragraph 3(b)(ix)(1) of the Rules and must be dismissed because the Complaint does not “[d]escribe, in accordance with the Policy, the grounds on which the complaint is made” how the subject domain is “identical or confusingly similar to a trademark or service mark in which the Complainant has rights.”
52. The Complaint does not comply with Paragraph 3(b)(ix)(2) of the Rules and must be dismissed because the Complaint does not “[d]escribe, in accordance with the Policy, the grounds on which the complaint is made including, in particular . . . why the Respondent (domain-name holder) should be considered as having no rights or legitimate interests in respect of the domain name(s) that is/are the subject of the complaint[.]”
53. The Complaint does not comply with Paragraph 3(b)(ix)(2) of the Rules and must be dismissed because the Complaint does not “[d]escribe, in accordance with the Policy, the grounds on which the complaint is made including, in particular . . . why the domain name(s) should be considered as having been registered and being used in bad faith[.]”
54. Complainant’s Complaint is not complete and accurate.
55. Complainant’s Complaint is being presented for an improper purpose, such as to harass.
56. Complainant’s Complaint contains assertions that are not warranted under the Rules.
57. Complainant’s Complaint contains assertions that are not warranted by applicable law.

58. Complainant's Complaint was not submitted in good faith.
59. Complainant does not own the trademark "trumpestates" or "trumpestates.com."
60. Complainant has waived its right(s) to "trumpestates.com" because Respondent has offered to transfer the subject domain to Complainant via one of his attorneys on at least one occasion prior to this Complaint for \$1 and a handshake and Complainant refused the offer.
61. Respondent has rights and legitimate interests in the subject domain name.
62. Respondent has filed a complaint with the United States District Court for the Eastern District of New York, which is a court of competent jurisdiction, for independent resolution, therefore it is unnecessary to continue the administrative proceeding and the Panel may terminate the administrative proceeding pursuant to Paragraph 18 of the Rules.

STATEMENTS PURSUANT TO PARAGRAPHS 5(b)(iii)-(viii) OF THE RULES

63. Preferred method of communications to the Respondent in the administrative proceeding is email to [brian@brianponder.com](mailto:brian@brianponder.com) for electronic-only material and mail to BRIAN PONDER LLP, 200 Park Avenue, Suite 1700, New York, New York 10166 for material including hard copy.
64. Respondent has initiated a legal proceeding that has been commenced in connection with or relating to the subject domain name in the United States District Court for the Eastern District of New York, Civil Action No. ????????
65. A copy of this Response including any annexes has been simultaneously sent or transmitted to the Complainant, in accordance with Paragraph 2(b) of the Rules to [agarten@trumporg.com](mailto:agarten@trumporg.com).

66. Respondent certifies that the information contained in this Response is to the best of Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response 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.

WHEREFORE, Respondent requests that the Complaint be dismissed in its entirety or, in the alternative, that the administrative process be terminated pursuant to Paragraph 18 of the Rules.

Respectfully submitted,

Dated: New York, New York  
April 18, 2015

s/ Brian L. Ponder  
BRIAN L. PONDER, ESQ.  
BRIAN PONDER LLP  
200 Park Avenue, Suite 1700  
New York, New York 10166  
Telephone: 1 (646) 450-9461  
Facsimile: 1 (646) 607-9238  
Email: [brian@brianponder.com](mailto:brian@brianponder.com)  
Attorney for Respondent SCOTT STEPHENS