

ADMINISTRATIVE PANEL DECISION

Royal Portrush Golf Club v. The Hostmaster, royalportrush.com

Case No. D2025-2879

1. The Parties

The Complainant is Royal Portrush Golf Club, United Kingdom, represented by Thorntons Law LLP, United Kingdom.

The Respondent is The Hostmaster, royalportrush.com, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <royalportrush.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 21, 2025. On July 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 21, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (company name and address currently unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 22, 2025 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 22, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2025. The Response was filed with the Center July 31, 2025.

The Center appointed Andrew D. S. Lothian, Jane Lambert, and Tony Willoughby as panellists in this matter on August 15, 2025. 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 the Rules, paragraph 7.

On August 27, 2025, the Panel issued Procedural Order No. 1 to the Parties. This noted the fact that the Parties had been in a longstanding dispute of some 13 years, that there had been multiple communications between the Parties including an established cooperation between about 2003 and 2007 to which the Complainant had made no reference, that the Parties met in July 2012 after which abortive correspondence was initiated by the Complainant's then solicitor, which correspondence was not produced by the Complainant, that further correspondence was issued by another solicitor on the Complainant's behalf in early 2025, incorrectly described as "Initial correspondence between the Complainant and the Respondent" in the Complainant's list of annexes to the Complaint, that the Respondent had replied to this on February 27, 2025 but that said reply had not been produced by the Complainant, that the Complainant's screenshots of the Respondent's website appeared to have been truncated so that the disclaimer which is present was not shown, and that over the 22 year period since the disputed domain name was registered, the Respondent had repeatedly asserted to the Complainant that its website was a fan site, which the Complainant did not mention in the Complaint.

The Panel noted in Procedural Order No. 1 that it was inclined to the view that the omissions from the Complainant's submissions and evidence, individually and cumulatively, may amount to the provision of intentionally incomplete material evidence, and that given the undertakings in paragraphs 3(b)(xiii) and (xiv) of the Rules, the Complainant, which is represented by legal counsel, should be held to a higher standard (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.16, in particular, item (v)). The Panel accordingly invited the Complainant to explain why a finding of Reverse Domain Name Hijacking should not be made, and the Respondent was invited to comment upon any submission made by the Complainant. The Complainant's submissions were to be received by September 1, 2025, and the Respondent's submissions by September 6, 2025, and the due date for decision was extended to September 13, 2025. On August 29, 2025, the Complainant filed its response to Procedural Order No. 1. On September 4, 2025, the Respondent filed comments on the Complainant's said response. The Complainant filed an unsolicited supplemental filing on September 4, 2025.

4. Factual Background

According to the Complaint, the Complainant is one of the best known private golf clubs in the world. It has hosted the British Open Championship in both 2019 and 2025. It was founded in 1888, and has traded as Royal Portrush since about 1895, after "Royal" status was conferred upon it by the patronage of the future King Edward VII. The Complainant's golf course is situated in or near the town of Portrush, Northern Ireland, United Kingdom, although the term "Royal Portrush" appears to denote the Complainant and its golf course, and not the town where it is located.

The Complainant is the owner of several registered trade marks incorporating the words ROYAL PORTRUSH, the earliest of which appears to be United Kingdom Registered Trade Mark Number UK00002158593 for a heraldic badge-style device consisting of a circular belt and buckle topped with a crown, in the centre of which are two crossed golf clubs and two golf balls. The words ROYAL PORTRUSH GOLF CLUB appear on the circular belt. Said trade mark was registered on April 23, 1999, in Classes 14, 16, 24, 25, and 28. The Panel notes in passing that the Complainant did not cite this mark in the Complaint, and the Panel identified it via the website of the United Kingdom Intellectual Property Office when checking those marks that had been cited. The marks which were cited are:

United Kingdom Registered Trade Mark Number UK00911412467 for a heraldic crest device identical to that described above, registered on May 8, 2013, in Classes 14, 16, 18, 24, 25, 28, 35, 41, and 43; and

United Kingdom Registered Trade Mark Number UK00911412251 for the word mark ROYAL PORTRUSH, registered on May 9, 2015, in Classes 14, 16, 18, 24, 25, 28, 35, 41, and 43.

The disputed domain name was registered on September 28, 2003. The Response has been filed by a company named Red Rhino Interactive Limited, having a place of business in Belfast, Northern Ireland, United Kingdom. Said company asserts that it is the owner of the disputed domain name and hostmaster of the corresponding website. For the reasons discussed below, it is described as “the Respondent” in the remainder of this decision. An entry from the Internet Archive “Wayback Machine” in respect of the website associated with the disputed domain name produced by the Respondent dated April 4, 2004, shows that as of that date, the website had the appearance of an unofficial fan site for the Complainant’s golf course, “[...] created and designed by a keen Northern Ireland golfer [...] who considers Royal Portrush Golf Club to be the best golf course in the world”. The second paragraph of text on the homepage stated that the website was dedicated to giving “all golfers online a taste of what awaits them if they ever have the pleasure of sharing in ‘The Royal Portrush Experience’”. The following paragraph added that it was “not affiliated with Royal Portrush Golf Club but we do pass on all enquiries received which are intended for the club”. The subsequent paragraph noted: “This site will be further developed through time to include facilities to book accommodation in the area of Northern Ireland near Royal Portrush [...]”.

Contemporary screenshots produced by the Complainant in respect of the website associated with the disputed domain name show a markedly updated, sophisticated, modern site featuring as its top line of text on the homepage the statement “Looking for Hotel, Guest House, B&B or Rental near Royal Portrush Golf Club for the 2025 British Open?”. Beneath this is an aerial photograph of the golf course concerned, overlaid with the legend “ROYAL PORTRUSH GOLF CLUB / Host of the 2019 & 2025 British Open Championship”. The “About” page does not contain text about the operator of the website but is headed “About Royal Portrush Golf Club”. Similarly, the “History” page deals with the history of the Complainant, and the “Location” page features the location of the Complainant’s club. Finally, a “Where to Stay” link provides listings of accommodation near the Complainant’s club. The screenshots produced by the Complainant do not show the fact that there is a disclaimer at the foot of each page of said site which states in white text on black, “This site is not affiliated with Royal Portrush Golf Club”.

Although no mention of the Parties’ prior contact was made in the Complaint, the Parties have a considerable history of cooperation and communication. Notably, the Respondent asserts that between 2003 and 2007 it passed on requests to book golf tee times to the Complainant when these were received via the website associated with the disputed domain name. The Complainant occasionally blind copied the Respondent on its replies to the person who had made contact, an example of which is supplied by the Respondent dating from 2007.

On January 6, 2004, the Complainant’s manager telephoned the Respondent to request that the club crest be removed from the website associated with the disputed domain name, which the Respondent did that day, following up in an email to said manager. A further brief exchange took place on January 20, 2004 in response to the Respondent indicating that a part of the Complainant’s own website might not be working correctly.

On July 23, 2012, the Complainant’s manager wrote to the Respondent requesting a meeting, which took place on July 26, 2012. The Respondent says that this meeting was cordial, described by the Complainant as “fact finding”, and that the website associated with the disputed domain name was discussed including the Respondent’s property listing service, by then active since about 2008. The Respondent notes that there was no objection taken at the meeting to its activities via the disputed domain name.

On August 9, 2012, the Respondent received a letter from solicitors acting for the Complainant, which has not itself been preserved by the Respondent, apparently making claims of passing off and threatening both legal action and a complaint under the Policy, adding that information relating to green fee rates and golf hole yardages on the Respondent’s website were used without permission. The Respondent shows that it replied to that letter on August 21, 2012, noting that its site was a fan site containing a disclaimer of affiliation with the Complainant, and adding that it had removed the green fee rates and golf hole yardages, notwithstanding the fact that such information was widely available on other websites. The Respondent indicated that it would defend any claims brought against it in legal proceedings or in terms of the Policy.

On November 23, 2012, the Complainant's solicitors replied to the Respondent, which letter has also not been preserved by the Respondent. The Respondent shows that it replied to that letter on December 6, 2012, stating that the Respondent refuted the claim that it was seeking to profit from the Complainant's name, and noting that there was no registered trade mark in the name ROYAL PORTRUSH. According to the Respondent, no further correspondence was received by the Respondent from that firm of solicitors.

An email chain dated between January 25, 2025 and January 27, 2025 produced by the Complainant shows that it was approached by a member of the public who had paid to advertise its accommodation via the website associated with the disputed domain name. This person believed that it was dealing with the Complainant and was disappointed when its accommodation did not appear on the Complainant's website.

The member of the public noted, "The people who run [the website associated with the disputed domain name] have now admitted they have no affiliation to the golf club. I realise now that I've been conned and it's not your website, just one posing as [the Complainant] to catch out people like me who failed to read the small print".

The Respondent shows that it wrote to the member of the public on the same day explaining that the website associated with the disputed domain name linked directly to the Airbnb page of the corresponding property, after which matters were beyond the Respondent's control. The Respondent stated that its service was cost-effective and based upon a fan website that had been in existence for 21 years, noting the terms of its website disclaimer of any affiliation with the Complainant which features on each page. The Respondent offered to refund the member of the public for the unused period of its advertising if desired, and notes that this offer was not taken up, such that it presumed the person was satisfied.

On February 17, 2025, the Respondent received a letter from another firm of solicitors acting on the Complainant's behalf. This letter (copy produced by the Complainant, described as "Initial correspondence between the Complainant and the Respondent") asserted that the Respondent was infringing the Complainant's trade mark, and that the disclaimer on the website associated with the disputed domain name did not limit the Respondent's liability for trade mark infringement. The letter also asserted that the Respondent was passing itself off as the Complainant by advertising accommodation which gave the impression that it was affiliated, endorsed or associated with the Complainant. The said solicitors requested that certain written undertakings be made to them by February 24, 2025, failing which they reserved their client's rights to take action against the Respondent without further notice.

On February 24, 2025, the Respondent replied to said letter (copy produced by the Respondent) indicating that it was urgently seeking advice and would respond substantively in due course. On February 26, 2025, said solicitors wrote to the Respondent noting that the deadline for undertakings would be extended to "Friday January 28, 2025", which given the date of the letter must have been intended to say Friday February 28, 2025. On February 27, 2025, the Respondent replied more substantively (copy produced by the Respondent) denying the Complainant's claims of trade mark infringement and passing off, pointing out the history of the disputed domain name, the Complainant's longstanding awareness of the Respondent's property listing service, the differences between the website associated with the disputed domain name and a typical golf club website, and the lack of any profit generated by the Respondent's website. The Respondent went on to assert that the website associated with the disputed domain name was a fan site that has promoted the Complainant's goodwill, and requested that the Complainant's solicitors confirm that the matter could be considered closed. The Respondent indicates that it did not receive a substantive response from said solicitors.

The Panel notes that the Complainant's representative in the present proceeding is a different law firm from those firms instructed in 2012 and 2025 which each conducted abortive correspondence with the Respondent.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant asserts that the disputed domain name is identical to the Complainant's word mark and highly similar to its device mark.

The Complainant submits that the Respondent operates in confusingly similar areas of business to the Complainant, in that the website associated with the disputed domain name mentions the Complainant's business name and provides tourist information and accommodation advertising services for those visiting the Complainant's business, without any licence or authorisation from the Complainant. The Complainant adds that this is highly misleading, has led to public confusion, and causes reputational and financial damage to the Complainant.

The Complainant contends that the Respondent does not have a registered trade mark corresponding to the disputed domain name in any territory, adding that the disputed domain name was registered in 2003, over 100 years after the Complainant started using the name "Royal Portrush".

The Complainant asserts that, by using the disputed domain name, the Respondent intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation or endorsement of the Respondent's website, adding that actual confusion has been reported by a member of the public (as described in the factual background section above).

The Complainant contends that the title of the Respondent's website "Royal Portrush Golf Club" clearly and strongly suggests that it is owned by or associated with the Complainant, adding that it features images of the Complainant's golf course and details of forthcoming tournaments together with paid opportunities for advertising accommodation, which suggests that the related advertisements are in some way affiliated, endorsed or associated with the Complainant. The Complainant notes that the Respondent's "About" page again contains information about the Complainant's club, and that the other pages also point to an association with or endorsement by the Complainant, adding that this demonstrates that the disputed domain name has been registered and is being used by the Respondent in bad faith.

B. Respondent

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

The Respondent asserts that the Parties have been engaged in a longstanding dispute of some 13 years, adding that the Complainant's presentation of evidence has been selective, with omission of relevant details, and without supporting materials for many claims made, and noting that there has been a history of correspondence, a meeting, and legal communications between the Parties, the omission of which raises concerns about whether the information presented by the Complainant can be considered complete and accurate as certified in the Complaint.

The Respondent notes that the Complainant registered the domain name <royalportrushgolfclub.com> on March 1, 2000, and uses this for its official website and email, adding that the Respondent registered the disputed domain name about three and a half years later, on September 28, 2003, and that as of that date the Complainant's trade marks numbered UK00911412251 and UK00911412467 were not yet registered (and were only registered some nine years later). The Respondent therefore disputes that it has done anything to infringe these trade marks. The Respondent asserts that the Complainant has not claimed that

the Respondent has infringed any of the rights protected under its marks, adding that the Respondent does not see any similarity between the disputed domain name and the device mark cited by the Complainant.

The Respondent states that the website associated with the disputed domain name is operated as a fan site, and that said site does not contain any of the typical information one would expect in a golf club website such as course information, hole breakdown, playing times, dress code, professional's shop, or clubhouse facilities. The Respondent disputes the thrust of the Complainant's submission that it requires a licence or authority from the Complainant to provide tourist information or accommodation advertising services, adding that the Complainant has failed to provide evidence of public confusion. The Respondent states that it does not accept any implication that everyone who booked accommodation via the website associated with the disputed domain name necessarily visited the Complainant's business, noting that there are a wide variety of websites and social media accounts providing the same tourist information.

The Respondent acknowledges that a member of the public complained to the Complainant regarding the website associated with the disputed domain name, asserting that this is the only such issue of which it is aware across a 22 year period. The Respondent submits that it responded fully and immediately to the member of the public's concerns, but that while a refund was offered, the person apparently chose to continue benefitting from their advertisement.

The Respondent asserts that the website associated with the disputed domain name operates a fan site which was created by the Respondent's founder, who has a long association with the area, is a very keen golfer, and holds much affection for the Complainant's course. The Respondent notes that the 2004 iteration of the website associated with the disputed domain name states its purpose and lack of affiliation with the Complainant's club, adding that a new site was created in 2018 because the original site was not "mobile friendly".

The Respondent asserts that between 2003 and 2012, there was a cordial and friendly working relationship between the Complainant and the Respondent. The Respondent offers three examples, first, the fact that on January 6, 2004, the Complainant's manager telephoned the Respondent to request that the Complainant's crest to be removed from the website associated with the disputed domain name, which was done as a courtesy the same day. Secondly, the Respondent provides evidence that, between 2003 and 2009, the Respondent passed on emails to the Complainant with requests to book golf tee times made via the website associated with the disputed domain name, noting that the Complainant's website did not provide this facility during that period. The Complainant occasionally blind-copied back to the Respondent its replies to those who had made contact in this way, to show that these had been addressed. Thirdly, on April 10, 2007, the Complainant's manager contacted the Respondent to ask it to remove information which it had obtained from an erroneous press release. The Respondent states that this was done the same day.

The Respondent describes its "Guest Book" facility on the website associated with the disputed domain name, noting that by 2015, this had 200 comments which were entirely positive either regarding the Complainant's golf course or the Respondent's website. The Respondent also describes its mailing list and provides a copy of its newsletter, the content of which it asserts is positive for the Complainant and offers no benefit to the Respondent.

Regarding the accommodation listings on the website associated with the disputed domain name, the Respondent asserts that this feature was added in July 2008 while the Complainant only began to advertise its own property for rental in mid-2024. The Respondent asserts that a nominal fee was requested to cover the work in adding a listing to contribute to hosting and third party charges for running the said website, adding that any bookings were made directly with the property owner with no commission or other funds flowing to the Respondent. The Respondent notes that few advertisements were sold in those years when there was not a major tournament at the Complainant's club, and contrasts the "small income" (relatively low GBP sum provided but requested to remain confidential) received over this period with the 1,500 unpaid hours which it says that it has spent in the development of both iterations of the website associated with the disputed domain name, and the ongoing management time across a period of 22 years, adding that the

nominal figure did not cover its running costs. The Respondent notes that the Complainant's trade marks do not cover accommodation services.

The Respondent argues that it has provided considerable commercial benefit to the Complainant over the years by forwarding referrals to it, noting that it never asked for any recompense to do so, and adding that the Complainant chooses to ignore the financial benefit to the Complainant and goodwill accruing to it that was generated by the website associated with the disputed domain name.

The Respondent describes the correspondence which it had with solicitors acting for the Complainant in 2012, noting that it received no further response from that firm, nor was any litigation instituted or complaint made under the Policy. The Respondent notes that the Complainant's applications for its trade marks numbered UK00911412251 and UK00911412467 were made on December 10, 2012, being four days after the Respondent wrote advising that the Complainant had no trade mark for the words ROYAL PORTRUSH.

The Respondent describes the correspondence which it had with solicitors acting for the Complainant in 2025, noting that after it wrote in detail refuting the Complainant's claims and asking for the matter to be considered closed it did not receive a reply.

The Respondent notes that multiple websites reference the British Open Championship and where it is held without suggesting that the websites are owned by the golf club hosting the event.

The Respondent submits that a Google search for the term "Royal Portrush" shows the Complainant's website as ranked first in the search results, while the Respondent's home page is only shown halfway down the second page of results with a search engine description that it is a fan site for the Complainant's club.

The Respondent notes the terms of the disclaimer on its website and asserts that the screenshots produced by the Complainant were cropped so as not to show this.

C. Complainant's reply to Procedural Order No. 1

The Complainant requests that the Panel dismiss the allegation of Reverse Domain Name Hijacking.

The Complainant asserts that it filed the Complaint in good faith, based upon its longstanding unregistered rights in the name "Royal Portrush", accepting that its registered trade marks post-date the registration date of the disputed domain name. It denies that it brought the Complaint to harass the Respondent, adding that it is grounded in genuine concerns over brand misappropriation.

The Complainant acknowledges that certain historical details relating to the disputed domain name may not have been fully known by the current main points of contact at the Complainant at the time of filing, due to significant changes in personnel which resulted in gaps in institutional knowledge regarding the background to the dispute, adding that it acted on the information reasonably available at the time, and did not intend to mislead or abuse the UDRP process in any way. It submits that that any omissions were inadvertent and do not amount to the submission of materially incomplete material evidence.

The Complainant indicates that the ongoing dialogue between the Parties does not affect the legal standing of its claim and serves to demonstrate that the Complainant has raised concerns with the Respondent regarding these issues due to misleading use of the disputed domain name in the past, submitting that there was never any resolution to its concerns or any peaceful coexistence with the Respondent even if matters were discussed and partially or temporarily resolved over the years. The Complainant says that it has spoken with one of the solicitors previously involved in the matter (unspecified) who confirmed this understanding of the position.

The Complainant states that the Complaint acknowledged that the Complainant had received a response from the Respondent in February 2025, and there was no attempt to mislead the Panel in this regard, adding that the Response as now filed was the basis for the Respondent's potential defence to passing off and was

by no means satisfactory to the Complainant in terms of a resolution to the dispute, leaving the Complainant no choice but to file the Complaint. The Complainant adds that it is for the Respondent to put forward its defence, which it has done, including the Parties' correspondence, allegations that the related website is a fan site, and referencing its disclaimer. The Complainant adds that in its view these assertions are immaterial, noting that a disclaimer is not a defence to trade mark infringement or passing off, and does not demonstrate that a domain name is being used in good faith.

The Complainant argues that the most relevant factor in demonstrating bad faith is not claims of being a fan site or the presence of a disclaimer but rather whether the overall presentation of the website amounts to a suggestion of a connection or endorsement with the Complainant, adding that there is a misrepresentation in this case whereby the impression on the average consumer would be one of a connection or sponsorship. The Complainant acknowledges that it did not discuss the disclaimer or alleged fan site status in the original Complaint but says that it did include detailed reasoning that the website constitutes a misrepresentation, whereby it says that it did not attempt to mislead the Panel.

D. Respondent's reply to Procedural Order No. 1

The Respondent objects to the Complainant using its response to Procedural Order No. 1 to introduce new arguments including a claim of unregistered trade mark rights not raised in the Complaint, introducing new claims such as references to the "average consumer" having failed to support this in the Complaint, and citing the Respondent's evidence in an attempt to reassert the legitimacy of the Complaint rather than limiting itself to the Panel's queries, asserting that this constitutes a pattern of procedural abuse supporting the Respondent's request for a finding of Reverse Domain Name Hijacking.

The Respondent notes that while the Panel invited the Complainant to provide an explanation for its omissions, the Complainant's explanation is vague and lacks clarity, noting that the Complainant should be in a position to confirm whether its representatives were aware of prior dealings with the Respondent, adding that even minimal institutional knowledge would have warranted further inquiry. The Respondent contends that the Complainant's assertion of gaps in institutional knowledge is inadequate as it is implausible that no-one in the Complainant, or any of its solicitors, was aware of the history, adding that the Complainant has failed to state whether past staff or long-serving personnel were consulted, given that the Complainant's long-serving Club Manager only resigned in 2019 after 35 years in the role, and noting that due diligence would reasonably include contacting such individuals. The Respondent contends that the Complainant's failure to explain the omission of the Respondent's detailed letter of February 27, 2025, is of greatest significance, adding that this was a deliberate omission of highly material evidence and not an oversight.

The Respondent submits that the Complainant's omission of its disclaimer and designation of its website as a fan site goes directly to the issue of the Respondent's legitimate interests in the disputed domain name and whether it is being used in good faith, adding that the Complainant's selective presentation demonstrates a lack of transparency that conflicts with the principles underlying the Policy. The Respondent notes that the Complainant offers no explanation for why its screenshots were truncated, adding that this was a deliberate choice that reflects an effort to mislead the Panel.

The Respondent concludes that the Complainant's omissions are material and go beyond mere carelessness, suggesting an effort to suppress facts which would have remained hidden had the Response not been filed.

6. Discussion and Findings

6.1 Preliminary issue – Identity of Respondent

Paragraph 1 of the Rules defines the Respondent as "the holder of a domain-name registration against which a complaint is initiated". The Panel nevertheless has discretion to substitute or join another entity as a respondent by way of its general powers as set out in paragraph 10(a) of the Rules.

In the present case, the holder of the disputed domain name is given as “The Hostmaster, royalportrush.com”, although the Response has been filed by a company named Red Rhino Interactive Limited. The Panel notes that the contact email address associated with the disputed domain name is a domain name containing the term “redrhino”. Furthermore, the Respondent’s part of the correspondence dating back to 2004 has predominantly been handled by “Red Rhino Web Design” and/or by a director of the said company.

In these circumstances, the Panel is content to join the said company as the Respondent, noting that the named holder of the disputed domain name will be retained as the Respondent for the purposes of continuity and in order to ensure that the Registrar may transfer the disputed domain name to the Complainant if this is ordered. For convenience, unless the context indicates otherwise, the Panel will refer to both entities constituting the Respondent as “the Respondent” in this Decision.

6.2 Preliminary issue – Complainant’s Supplemental Filing

Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 4.6.

Panels have sole discretion, under paragraphs 10 and 12 of the Rules, whether to accept an unsolicited supplemental filing from either party, bearing in mind the need for procedural efficiency, and the obligation to treat each party with equality and ensure that each party has a fair opportunity to present its case. The party submitting a supplemental filing would normally need to show its relevance to the case and explain why it was unable to provide that information in the complaint or response (for example, owing to some exceptional circumstance).

The Complainant filed an unsolicited supplemental filing on September 4, 2025. This filing sought to respond to the Respondent’s comments on the Complainant’s response to Procedural Order No. 1. The Panel determined that it was neither appropriate nor necessary to permit the Complainant a rejoinder on the basis that it had already received an opportunity to respond to Procedural Order No. 1 in the full knowledge that the Respondent had been invited to comment on its response. The Panel considered that there was nothing of significance in the Respondent’s said comments that could not reasonably have been anticipated by the Complainant and which it could have dealt with in its original response to Procedural Order No. 1. Consequently, the Panel considers that the Parties have been treated with equality and that each has been provided with a fair opportunity to present its case. The Panel therefore declines to admit the Complainant’s unsolicited supplemental filing.

6.3 Substantive issues

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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

For the purposes of the first element assessment, it is not necessary that a complainant’s trade mark predate the registration of the domain name concerned. All that is required is that such rights are in existence at the time the complaint is filed. [WIPO Overview 3.0](#), section 1.1.3. The Panel has therefore adopted the Complainant’s ROYAL PORTRUSH word mark for the purposes of the comparison exercise.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The absence of a space in the disputed domain name is of no consequence as spaces are not permitted in domain names for technical reasons. The applicable Top-Level Domain (“TLD”) in a domain name (here “.com”) is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Here, the Complainant’s submissions on this topic are so limited that the Panel considers that a reasonable issue is raised as to whether the Complainant has established the requisite prima facie case. In two brief bullet points, the Complainant asserts that the Respondent does not have a registered trade mark in respect of ROYAL PORTRUSH, and that the disputed domain name was registered 100 years after the Complainant began to use the name and established goodwill and reputation therein. This falls far short of the typical submissions that a complainant would make on this topic, which would more often than not seek to exclude possible cases that a respondent might make under paragraph 4(c) of the Policy. Notably, the Complainant has had prior notice of Respondent’s likely case on this topic, namely its assertion that the website associated with the disputed domain name is a fan site, across a period spanning decades, most recently re-stated by the Respondent in its reply to the Complainant’s solicitors dated February 27, 2025. The Respondent has made this point to the Complainant on repeated occasions in previous correspondence, and, the Panel presumes, at the Parties’ meeting in 2012. Although the Complainant did not discuss the Respondent’s position in the Complaint, it is well within its knowledge. Nevertheless, as the circumstances of this case are somewhat exceptional, the Panel considers that it is more useful in the first instance to conduct a fuller examination of the Respondent’s case in rebuttal rather than to reject the Complainant’s attempt to establish a prima facie case on this topic out of hand.

Considering first the composition of the disputed domain name, it must be acknowledged that while this was not an exact match for any registered trade mark of the Complainant which was in force when the disputed domain name was registered, it is nevertheless an exact match for the most distinctive element of the textual component of the Complainant’s figurative mark that was in force at that time. There is little doubt that the term “Royal Portrush”, by then in existence as a term or part of a term referring to the Complainant for over a century, provides on its own a clear impression of affiliation with the Complainant. Nevertheless, it may be of some significance that when the Complainant registered its official domain name some three and a half years before the disputed domain name was registered, it did not choose the words “Royal Portrush” alone but rather the fuller title “Royal Portrush Golf Club” (spaces excluded in the domain name) being the text which exactly matches its device mark.

Turning to matters beyond the disputed domain name itself, the 2004 screenshots of the associated website that have been provided to the Panel support the Respondent's assertion that it was used as a fan site from its earliest days. This first iteration clearly has the appearance of a fan site and contains a prominent disclaimer, whereby it would be unlikely to be confused with the Complainant's official site. However, the redesigned website dating from 2018 is somewhat more ambiguous and is not as clearly distinct from the Complainant's official website, notwithstanding the presence of a (somewhat less prominent) disclaimer in the footer of each page.

The fact that the disputed domain name has been used in connection with a fan site gives rise to the potential for the Respondent to establish rights and legitimate interests in terms of paragraph 4(c)(iii) of the Policy, namely if the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Section 2.7.1 of the [WIPO Overview 3.0](#) notes that, for a respondent to make out a corresponding case of fair use in respect of a fan site, such site must be active, genuinely noncommercial, and clearly distinct from any official complainant site. Here, the issue is not straightforward. In the first place, the site is active. In the second place, there has been some commercial use. In the third place, the website was very clearly distinct from the official complainant site for the first 15 years, even if its appearance is more ambiguous today. Finally, there is the question of whether the Complainant's knowledge of the Respondent's activities over decades, initial cooperation with these, and subsequent abortive threats and apparent acquiescence should also be factored into the equation.

On all of these issues, this case bears striking similarities to that of *Green Bay Packers, Inc. v. Moniker Privacy Services / Montgomery McMahon*, WIPO Case No. [D2016-1455](#). The complainant in that case was a professional American football team which owned, among others, the GREEN BAY PACKERS and PACKERS trade marks. The domain name concerned, <totalpackers.com>, was registered and used by the respondent for the purposes of a fan site in tribute to the complainant's team. Similar to the present case, there had been a lengthy delay in the complainant seeking relief under the Policy, in that the domain name was registered in 2008 and the complaint was filed in 2016. While the panel concerned unanimously agreed with the view that a delay-related defence (such as laches in certain legal systems) does not apply in UDRP proceedings, even where both parties are located in a jurisdiction where such legal principle is recognised, the panel considered that delay might nevertheless have the effect of eroding or undermining the complainant's arguments with respect to the respondent's rights or legitimate interests in a domain name.

The panel in that case decided that the question of rights and legitimate interests turned on two issues. First, whether advertising revenue generated by the respondent's website, which was minimal in the early years, and not the aim of the website, but more substantial in recent years, precluded a finding that the respondent's use of the disputed domain name was noncommercial and fair. Secondly, whether the use of the domain name for a fan site over an eight year period, and for more than six years before the respondent was first contacted by the complainant's representative, provided a basis for recognising that the respondent may have developed a right or legitimate interest in the domain name concerned.

On the first question, the panel determined that the website did not qualify as a noncommercial fan site because (i) it had carried pop-up advertising for much of the time it had operated; (ii) for a short time, there was even a link to an Amazon.com-powered "Total Packers" shop; (iii) the advertising revenue, stated to be USD 10,000 for the then current year, while not covering the complete costs of running the site, was still a substantial sum; and (iv) the respondent had applied for the trade mark TOTAL PACKERS, declaring a first use in commerce of 2008, which the panel considered was evidence of the respondent's own views as to its commercial use of the domain name concerned. The panel therefore turned to the second question which it had posed.

In view of the particular circumstances of that case, the panel decided that the respondent's use of the domain name concerned for eight years (and six before contact from the complainant) in connection with a genuine fan site had given rise to a legitimate interest in that domain name, noting that the website was well-established, with a large following, and that the complainant had not provided evidence of any serious damage to itself, adding that the respondent did not attempt to sell the domain name to the complainant

during those eight years, and that the website did not compete with or take business away from the complainant. The panel added that the disclaimers on the respondent's various webpages had always made it clear that the website was unaffiliated with the complainant.

Taking a similar, and somewhat comparative approach in the present case, the Panel notes that the commercial use of the Respondent's website, likewise not its main purpose, is on a much smaller scale than that described in the said previous case. Based on the amount reported by the Respondent, the total revenues that it has received from the website in 17 years amount to substantially less than the amount reported for a year's revenue in *Green Bay Packers, Inc.*, supra. If the Respondent's revenues were to be averaged across the entire 17 year period when advertising listings were offered, they could arguably be treated as de minimis, in other words, too trivial as to merit any real significance from the perspective of commercial activity. It follows, likewise, that these revenues were also insufficient to cover the cost of maintenance of the website associated with the disputed domain name.

Unlike the said previous case, here, there has been no website shop, and there was no commercial activity at all for the first five years of the website's operation despite the Respondent expressing an intention to provide accommodation listings from the outset. Until the Complainant offered its own accommodation more recently, the Respondent could not be considered to be taking business from the Complainant. Unlike the said previous case, the Respondent has not applied for a trade mark corresponding to the disputed domain name, and there are no other indications beyond the accommodation listings that it considers itself to be running a business on the said website. In these circumstances, and in contrast to the previous case, the website associated with the disputed domain name here could be seen as predominantly noncommercial. Such commerce in which it has engaged might best be described as a very limited degree of incidental commercial activity, which panels under the Policy have found may be permissible. [WIPO Overview 3.0](#), section 2.7.3.

In light of the above assessment, it is not strictly necessary to turn to the second test in *Green Bay Packers, Inc.*, supra, although the Panel will do so for completeness. In this case, the evidence establishes that the Complainant was aware of the Respondent's activity almost from the outset, in 2004, requesting that its crest be removed from the Respondent's website yet cooperating with the Respondent in handling messages received via said website when the Complainant's own website did not have the same messaging facility. Such direct cooperation is asserted to have taken place between about 2004 and 2009, and the Panel has no reason to disbelieve the Respondent's submissions to that effect. Indeed, relations between the Parties appear to have been cordial until 2012, when the first firm of solicitors was engaged by the Complainant to correspond with the Respondent. Here too, the Respondent was led to believe by the actings, or more accurately, the omissions and acquiescence of the Complainant and its advisers that, having defended its position as the operator of a fan site, no further objection was being taken as to its activities.

The operation of the website continued for some 13 further years without any formal objection, whereupon the Complainant instructed new solicitors to correspond with the Respondent which requested that certain written undertakings be given under the threat of legal action. After the Respondent replied substantively, the correspondence again appeared to stop. It then took the Complainants a further six months to file the present Complaint under representation from a different firm of solicitors. These delays, taken together, are considerably longer than those described in *Green Bay Packers, Inc.*, supra, while in the present case there is the added dimension of actual cooperation between the Parties, and of a failure on the Complainant or its advisers' part to follow through on formal objections to the Respondent's conduct. The Respondent is likely, not unreasonably in the Panel's view, to have relied upon the Complainant's apparent acquiescence in 2012 following the original correspondence with its solicitors.

Although the circumstances of this case are somewhat exceptional, the Panel cannot think of a better example of a case where long delays and apparent acquiescence on the Complainant's part might be held to give rise to a legitimate interest in the disputed domain name, similar to the finding in *Green Bay Packers, Inc.*, supra, albeit mindful of the fact that in the present case the composition of the disputed domain name <royalportrush.com> is far more suggestive of sponsorship or endorsement by, or affiliation with, the

Complainant and its ROYAL PORTRUSH mark than was the situation between <totalpackers.com> and the marks PACKERS and GREEN BAY PACKERS in the said previous case.

The Panel notes that the current iteration of the Respondent's website, dating from 2018, is likely to be extremely confusing for Internet users.

The fact that it may not contain certain features that may be typical of a golf course website, as the Respondent contends, does not mean that it does not look like an official site of the Complainant, not least because the "About" page describes not the Respondent or its fan site operation but rather the Complainant's business, with the heading "About Royal Portrush Golf Club". Even with the presence of the disclaimer on the footer of every page, it is not immediately obvious to the typical visitor that the website associated with the disputed domain name is not the Complainant's official site. The confusing nature of today's website iteration, and the apparent affiliation to which the composition of the disputed domain name gives rise, would have to be weighed in the balance against the Parties' history of cooperation, and the Complainant's apparent acquiescence in enforcing its rights against the Respondent.

In light of the Panel's disposal of the case on the third element as discussed below, it is not necessary for the Panel to reach a concluded view on the question of the Respondent's rights and legitimate interests in the disputed domain name in the circumstances of the present case. The Panel therefore turns to the third element assessment.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel is unanimously of the view that the Respondent is not a cybersquatter and registered the disputed domain name in good faith. The earliest iteration of the website associated with the disputed domain name makes clear the Respondent's genuine fondness for the Complainant's golf course and, furthermore, expresses that it is in no way affiliated with the Complainant. There is nothing pretextual about this. It is true that the Respondent expressed in such early iteration its intent to include facilities to book accommodation, but such incidental commercial activity was by no means the Respondent's primary intent, which was expressed to be giving golfers "a taste of what awaits them" and "providing a range of valuable information to golfers who plan to travel to this most beautiful part of the planet". The Panel is satisfied that the Respondent did not intend to target the Complainant's rights abusively at the point when the disputed domain name was registered, and this view is further informed by what the Panel sees as various good faith actings of the Respondent during the early years of operation of the website associated with the disputed domain name, including providing the Complainant with referrals which the Respondent did not seek in any way to commercialise as the "middle man".

The evidence before the Panel, the vast majority of which was provided by the Respondent although in many cases consisting of exchanges between both of the Parties, demonstrates that for the majority of its life the website associated with the disputed domain name has been used in good faith.

As discussed in the preceding section, however, the Panel has considerable misgivings regarding the present use of the disputed domain name in that the content of the post-2018 iteration of the website strongly suggests that this is an official site of the Complainant notwithstanding the presence of the disclaimer. While this is on the foot of each page, an Internet user must scroll a long way down to find it, in the "small print" along with the Respondent's copyright notice. This is quite different from the clear and prominent expression of non-affiliation on the 2004 iteration of the website.

Going forward, the Respondent may therefore wish to give serious consideration to how it might make its non-affiliation and "fan site" status clearer in the more recent website.

However, while the Panel may have concerns regarding the present use of the disputed domain name, that issue is moot given the conjunctive requirement whereby the Complainant must prove both registration and use in bad faith, and the fact that as discussed above the Panel does not consider that the Respondent registered the disputed domain name in bad faith in 2003.

It is important to note that although both Parties addressed to some extent the issue of trade mark infringement and certain other remedies such as passing off in the present case, including the question of the various use classes in which the Complainant's trade marks are registered, it is not infrequently noted in cases under the Policy that trade mark infringement (or the alleged absence of any trade mark infringement) and abusive registration of domain names under the Policy are not always the same thing, although there is often a conceptual if not factual overlap (see *Delta Air Transport NV (trading as SN Brussels Airlines) v. Theodule De Souza*, WIPO Case No. [D2003-0372](#)). The Parties remain free to pursue their claims relating to trade mark infringement and/or passing off in the courts. In these circumstances, the Panel notes that this decision is not addressed to any particular forum that may ultimately be seized of the matter.

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

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking ("RDNH") or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

Reasons articulated by panels for finding RDNH include: (i) facts which demonstrate that the complainant knew it could not succeed as to any of the required three elements – such as the complainant's lack of relevant trademark rights, clear knowledge of respondent rights or legitimate interests, or clear knowledge of a lack of respondent bad faith, (ii) facts which demonstrate that the complainant clearly ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the complaint, including relevant facts on the website at the disputed domain name or readily available public sources such as the Whois database, (iii) unreasonably ignoring established Policy precedent notably as captured in this WIPO Overview – except in limited circumstances which prima facie justify advancing an alternative legal argument, (iv) the provision of false evidence, or otherwise attempting to mislead the panel (v) the provision of intentionally incomplete material evidence – often clarified by the respondent, (vi) the complainant's failure to disclose that a case is a UDRP refile, (vii) filing the complaint after an unsuccessful attempt to acquire the disputed domain name from the respondent without a plausible legal basis, and (viii) basing a complaint on only the barest of allegations without any supporting evidence. [WIPO Overview 3.0](#), section 4.16.

Here, the Panel has no hesitation in finding that the Complaint was brought in bad faith. The extent of the omissions by the Complainant or its advisers have been noted in detail above, and the Panel considers that the Complainant failed to provide adequate explanations for these when asked to do so in Procedural Order No. 1.

In considering this matter, the Panel must have regard to what the Complainant knew or ought reasonably to have known when it filed the Complaint. Even if the Panel accepts the Complainant's assertions that there has been turnover in the Complainant's staff whereby certain institutional knowledge has been lost, crucially, the Complainant and its advisers were on notice because of the age of the disputed domain name alone that they should ascertain its history, for example by reaching out to recently departed staff who might have the necessary knowledge. The Complainant is notably silent as to whether any attempt was made in this regard, and in the absence of any such explanation, the Panel must assume that it was not. In any event, the prudent adviser would have made use of resources such as the Internet Archive "Wayback" Machine to

consider the history of the use of the disputed domain name from 2003 onwards and would have addressed this in the Complaint.

Of fundamental importance to this issue, however, is the fact that the Respondent wrote to the Complainant's then solicitors as recently as February 27, 2025 indicating that there was a genuine history between the Parties that should be investigated, namely that the Complainant had had knowledge of the website associated with the disputed domain name since 2003, and crucially, that the site had operated as a fan site since that date. This much must be deemed to have been before the Complainant's advisers when they drafted the Complaint, yet they said nothing of this to the Panel. When the matter was raised in Procedural Order No. 1, the Complainant's advisers replied that they had stated in the Complaint that the Respondent had replied to the Complainant's approach. In fact, all that was noted in the Complaint, in a discussion regarding the Respondent's email address, was that when the Complainant contacted the Respondent "the Respondent did reply, therefore the [Respondent's] email address has been confirmed as active". Placed in that context, this statement would have led the Panel to believe that any reply was merely a formal acknowledgement which was mentioned by the Complainant for no reason other than to demonstrate the accuracy of the Respondent's contact details.

When challenged in Procedural Order No. 1 regarding the missing information which had been contained in the Respondent's detailed reply of February 27, 2025, and the lack of discussion of the history of the disputed domain name, the Complainant's advisers effectively asserted that these were matters for the Respondent's defence, implying that the Complainant did not require to raise any of them, particularly because the Complainant considered that they were immaterial to the outcome of the Complaint. This represents a fundamental misunderstanding of practice and procedure under the Policy, and the nature of a complainant's certification of completeness and accuracy of the Complaint in terms of paragraph 3(b)(xiii) of the Rules. As the administrative proceeding is conducted on the basis of written submissions, and as cases sometimes proceed as undefended, a panel needs to be confident that a party is telling it everything that it reasonably knows and that it has investigated to a reasonable extent everything that it should know of the surrounding facts and circumstances pertaining to the domain name concerned. This obligation is heightened when dealing with a domain name of a longstanding nature, such as the disputed domain name here, because the likelihood that it may have a relevant history is clear even to an adviser who has been instructed recently. In particular, a complainant cannot decide to withhold facts that might pertain to the other party's case because it considers them to be immaterial to the outcome of the complaint.

Notably, had the Respondent decided not to file the Response, the Panel would have been unaware of any of the potentially exculpatory matters that were or should have been in the Complainant's knowledge. The Panel would have been unable to factor this into its decision, the outcome of which would have likely been very different. The Panel is particularly concerned regarding the description of the Complainant's Annex 2 as "Initial correspondence between the Complainant and the Respondent" and the Complainant's advisers' failure to place the Respondent's answer to that correspondence before the Panel. Although the Complainant's present advisers are different from the solicitors who wrote to the Respondent on February 17, 2025, the fact that the present advisers have had access to that letter means that they must also have had access to the Respondent's reply. Their failure to put this forward must be viewed with the utmost seriousness, and the Panel has no hesitation in finding that this constitutes the provision of intentionally incomplete material evidence. Importantly, the letter demonstrated that there were matters for the Complainant to investigate and there is no evidence that it did so. Given that the Complainant is represented by legal counsel, it should be held to a higher standard in this regard. [WIPO Overview 3.0](#), section 4.16.

Likewise, when asked about the apparent truncation of the Complainant's screenshots of the website associated with the disputed domain name, so that these did not show the Respondent's disclaimer, the Complainant's position was that such a disclaimer was a matter for the Respondent to put forward in its defence, and that in any event the presence of the disclaimer was immaterial to the outcome of the case. For the reasons outlined above, the existence of such a disclaimer was a material fact that the Complainant should have raised. The Complainant was, of course, free to assert at the same time that the presence of such disclaimer was not material to the outcome of the Complaint. It was not entitled to conceal the disclaimer from the Panel, whether in the hope or expectation that the Respondent would raise it as a

defence. The fact that the Complainant itself believed that the disclaimer was of no consequence is neither here nor there. That is a matter for the Panel to decide, not the Complainant, and the issue is material to the Panel's deliberations. It is notable in particular that the Complainant chose not to acknowledge or explain the fact of the truncation to its screenshots or to explain whether this was inadvertent or deliberate despite having been given the opportunity to do so.

In all of these circumstances, the Panel finds that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/
Andrew D. S. Lothian
Presiding Panelist

/Jane Lambert/
Jane Lambert
Panelist

/Tony Willoughby/
Tony Willoughby
Panelist

Date: September 13, 2025