

ADMINISTRATIVE PANEL DECISION

protectNIL Inc. v. National Collegiate Athletic Association
Case No. D2026-1658

1. The Parties

The Complainant is protectNIL Inc., United States of America ("United States"), internally represented.

The Respondent is National Collegiate Athletic Association, United States, represented by Barnes & Thornburg, United States.

2. The Domain Name and Registrar

The disputed domain name <nilassist.com> is registered with SnapNames, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 18, 2026. On April 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 20, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on April 21, 2026, regarding formal deficiencies in the Complaint. The Complainant filed an amended Complaint on April 22, 2026.

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 April 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2026. The Response was filed with the Center on May 22, 2026. On May 31, 2026, and June 1, 2026, the Complainant submitted unsolicited Supplemental Filings to the Center. On June 1, 2026, the Respondent submitted a reply to the Complainant's Supplemental Filings.

The Center appointed Ingrida Kariņa-Bērziņa, Sally M. Abel, and Sandra J. Franklin as the Administrative Panel in this matter on June 22, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a company established in Delaware, United States, with its primary place of business in Nevada, United States. It develops and operates AI-powered software platforms for the name, image and likeness (“NIL”) market, which enables student-athletes to monetize the use of their images online. The Complainant is the proprietor of the following trademarks:

- United States Trademark Registration No. 7779740 for NILASSIST (word mark), filed on July 4, 2023, and registered on April 29, 2025, for services in class 42,¹ claiming a date of first use on January 6, 2025;

- United States Trademark Serial No. 99169440 for NILASSIST (word mark), filed on May 5, 2025, for services in classes 41 and 45,² claiming a date of first use on May 1, 2025. At the time of this Decision, the registration of this mark was still pending.

The Complainant operates its primary business website at the domain name <nilassist.app>. The website states: “NILAssist. NIL. For all of us.” and displays a QR code for athletes “You made the cut. Now get paid for it.” and partners (“554,000 athletes are ready. Your move.”).

The Respondent is the National Collegiate Athletic Association, an association headquartered in Indiana, United States that, inter alia, offers users access to an “Influencer App” at the domain name <nilassist.ncaa.org>. This tool permits student-athletes to “Disclose NIL activity, find and review service providers, and access education”. The Respondent states that it launched its “NCAA NIL ASSIST” platform on August 1, 2024.

The disputed domain name was registered on November 3, 2024. The record indicates that it previously resolved to a parking page featuring pay-per-click (“PPC”) links. The Complaint states that the disputed domain name is or was registered with the “SKENZO Exclusive Traffic Monetization Programs”. At the time of this Decision, it did not resolve to an active website.

The record reflects that the Complainant addressed an email communication to the Respondent on March 11, 2026, and later a Trademark Complaint to the Registrar of the disputed domain name, which was followed by subsequent correspondence between the Parties and a letter of the Respondent to the Registrar concerning the Trademark Complaint during March and April, 2026. In these communications, the Complainant reiterated its demands for the disputed domain name based on constructive notice as of the filing date of the registered NILASSIST trademark. The Respondent denied the Complainant’s claims, arguing, in relevant part, that:

¹ Namely, “Software as a service (SAAS) services featuring software using Artificial Intelligence (AI) for use as an Intelligent Virtual Assistant (IVA) that offers, through a combination of natural language processing (NLP), natural language understanding (NLU), machine learning, and generative and conversational AI, the ability to recognize human speech, understand the intent behind it, and respond in a way that mimics human conversation, and access and process via the Internet third-party sources of information, perform the traditional functions of a live person personal assistant such as answering emails and phone calls, scheduling meetings and booking travel arrangements and execute more advanced tasks, such as processing complex queries, managing smart devices, and controlling machinery.”

² Namely, “IC 041: Education services, namely, providing educational information and instruction in the fields of financial literacy and personal development through an interactive virtual assistant interface, using artificial intelligence as a delivery mechanism. IC 045: Regulatory compliance consulting services in the field of Name, Image, and Likeness (NIL) regulations and agreements.”

“Although the NCAA does not presently use the nilassist.com domain in connection with the NCAA NIL ASSIST platform...the registration of the domain is directly connected to the longstanding and legitimate use by the NCAA....Your trademark registration for NILASSIST in connection with very specific software does not allow you to claim rights to otherwise legitimately registered domain that happens to also incorporate your descriptive trademark.”

The Respondent further states: “If you file a UDRP it will be contested and should we need to pursue this further, we will seek our attorneys’ fees for doing so as provided by law”.

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 contends that the disputed domain name was registered shortly after the publication for opposition of its United States Trademark Registration for the NILASSIST mark on July 16, 2024 but was publicly available in the United States Patent and Trademark Office (“USPTO”) database from its filing date, which subsequently registered and to which the disputed domain name is identical. The NILASSIST mark is not descriptive as demonstrated by the fact of its registration by the USPTO.

The Respondent is not known by the disputed domain name, it holds no United States trademark registration for NILASSIST, NIL ASSIST or any confusingly similar designation, nor has it used the “™” symbol in connection with such designations. The Respondent operates its “NCAA NIL ASSIST” platform at a different domain name. The Respondent’s counsel, in admitting that the Respondent does not presently use the disputed domain name, has conceded that there is no bona fide use thereof. The disputed domain name has been used only for monetization through PPC links unrelated to NIL, college athletics, or any Respondent service. Rather, the PPC links relate to “Find Realtor Agent,” ‘Loans for People on Disability With Bad Credit’, ‘Buy Teeth Enamel Whitening Toothpaste,’ and ‘Creams to Relieve Itching’.

The Complainant’s trademark rights predate the registration of the disputed domain name, and the Respondent cannot justify retaining an exact-match domain name that it has never used for the asserted platform. The Respondent acquired the disputed domain name through a professional domain name acquisition service, thereby demonstrating that it sought to obtain the disputed domain name as a specific acquisition target. The Respondent’s explanation that it registered the disputed domain name in connection with its NIL ASSIST platform is contradicted by its conduct in failing to use it for that purpose and continuing to retain it following notice from the Complainant.

The Complainant does not object to the operation of the Respondent’s NIL-related platform and content at the domain name <nilassist.ncaa.org>.

In anticipation of the Respondent’s request for a finding of Reverse Domain-Name Hijacking, the Complainant states that such a finding is not warranted. The Complaint is filed based on identity with a valid federal trademark registration in respect of a domain name with no bona fide use, active enrollment in a PPC monetization program, and the Respondent’s own concession of non-use. The Complainant was under no obligation to register the disputed domain name when it filed the trademark application.

The Complainant requests transfer of the disputed domain name.

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.

It states that the Complainant's recitation of events omits key information. The Respondent states that it launched its platform, branded as NCAA NIL ASSIST on August 1, 2024, at the domain name <nilassist.ncaa.org> and subsequently registered the disputed domain name to support the above program. It states that the Complainant registered United States trademark application No. 98070425 on April 29, 2025, in respect of class 42 software services with a date of first use of May 1, 2025. On May 5, 2025, the Complainant filed a new trademark registration for NILASSIST (United States App. Ser. No 99169440) for education and consulting services in class 41. In May 2026, following the filing of the Complaint, the Complainant offered the Respondent USD 100, later increased to USD 250, to purchase the domain names <nilassist.com> and <nilassist.org>, which the Respondent refused, noting that its legal costs had already exceeded these amounts.

The Respondent states that the Complainant's NILASSIST trademark is generic, or at a minimum highly descriptive of the Complainant's alleged services, as it comprises a generic acronym for "name image likeness" together with the generic word "assist".

The Respondent launched its NCAA NIL ASSIST branded platform two months prior to the registration of the disputed domain name. This platform is designed to connect student-athletes with potential service providers, facilitate disclosures of NIL activities, and provide insight into evolving trends in the NIL Environment and was launched together with an outside partner. The Respondent registered and still owns the disputed domain name as part of a legitimate business plan for its NCAA NIL ASSIST platform. During the early stages of the platform, it was unclear whether the platform was better suited to live as a sub-domain on <ncaa.org> or as a standalone concept. The disputed domain name was selected to allow the parties to have leniency in updating the platform.

The Complainant has selectively quoted the Respondent's counsel in relation to non-use by omitting the second part of the statement explaining that the "registration of the domain is directly connected to this longstanding and legitimate use by the NCAA".

The mere use of PPC advertising does not, in itself, establish a lack of rights or legitimate interests. The PPC links at issue relate to the dictionary meaning of the words. Here, "NIL" is also means "zero value", and also is an acronym for the medical term "nil by mouth". Therefore, the PPC links relate to these meanings. They do not relate to the Complainant and its business.

Through use in the market, the Respondent has established trademark rights in the unregistered trademark NCAA NIL ASSIST, which contains the Respondent's famous NCAA mark. This unregistered mark has been featured in third-party press articles. The Respondent does not need the authorization of the Complainant to use this mark because the mark is generic/descriptive and the Complainant's registration relates to narrowly defined software services.

The Complainant seeks to use this proceeding to obtain the Respondent's legitimately registered disputed domain name. The mere fact of a trademark registration does not establish bad faith. The Complainant fails to establish that the Respondent was aware of its intent-to-use trademark application at the time of the registration of the disputed domain name. Rather, the Respondent had no actual knowledge of this application. The Complainant's mark lacked a showing of fame. The Respondent registered the disputed domain name in relation to its legitimate and ongoing business and the meager fact of its non-use is not relevant. The PPC links are related to the dictionary meaning of the word "nil". Passive holding without aggravating factors is not bad faith. The Complainant has not provided any evidence of actual consumer confusion.

The Respondent requests that the Complaint be denied. Further, the Respondent requests a finding of Reverse Domain-Name Hijacking (“RDNH”) based on the Complainant’s misrepresentation of the facts.

C. Supplemental filings

Both Parties submitted unsolicited supplemental filings, which the Panel has reviewed.

6. Discussion and Findings

Procedural matters—Supplemental filings

Neither the Rules nor the Supplemental Rules make express provision for supplemental filings, except at the request of the panel (see paragraph 12 of the Rules). Generally, UDRP panels only accept supplemental filings in exceptional circumstances where such a filing clearly shows its relevance to the case and the filing party shows that it was unable to provide the information contained therein in the original complaint or response (see section 4.6 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.1](#)”)).

Having reviewed the Parties’ respective Supplemental Filings, the Panel notes that the Complainant’s filing, while partly relevant to the issues in dispute, does not contain any material information that is not found in the original Complaint and its annexes. The Respondent’s Supplemental Filing also does not provide any new information.

Accordingly, the Panel considers that the Parties’ Supplemental Filings do not contain relevant information that affects the Panel’s findings under the UDRP. The Supplemental Filings are not admitted.

Substantive matters

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

The Respondent concedes that the disputed domain name is identical to the Complainant’s trademark. It argues that the Complainant’s mark is generic or descriptive.

The Panel notes that, while the distinctiveness of the Complainant’s mark may be relevant to its assessment under the second and third elements, it does not affect its assessment of identity or confusing similarity under the UDRP. [WIPO Overview 3.1](#), section 1.2.3. Accordingly, the Panel finds that the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the Complainant's NILASSIST 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 3.1](#), section 1.7.

The first element of the Policy has been established.

B. Rights or Legitimate Interests

The Parties agree that the disputed domain name has not been used to host the Respondent's "NCAA NIL ASSIST" service and that it has been used to host PPC links. The Parties differ on whether, under those circumstances, the Complainant has established that the Respondent has no rights and legitimate interests in the disputed domain name.

The Complainant argues that the Respondent selected the disputed domain name for its value as a PPC monetization vehicle due to its identity with the Complainant's recently published NIL ASSIST trademark. The non-use of the disputed domain name for the Respondent's platform is due to this monetization objective. The PPC links are unrelated to the Respondent or to the dictionary meaning of the terms cited by the Respondent.

The Respondent, for its part, argues that the disputed domain name was registered to facilitate the maintenance of its NCAA NIL ASSIST service by a third-party service provider. It asserts no knowledge of the Complainant's mark. The Respondent states that the PPC links are related to the dictionary meanings of the terms "nil" and "assist".

The Parties agree that the Respondent has not yet used the disputed domain name in connection with its NCAA NIL ASSIST platform. However neither that fact, nor the fact that the Respondent has engaged in PPC monetization since it obtained the disputed domain name, alone or together, establish that Respondent has no right or legitimate interest in the domain name. The Respondent asserts that it does intend to use the disputed domain name in connection with its proprietary platform in the future and that the PPC monetization has been based on the generic meanings of the two elements of the disputed domain: the two generic words "nil" and "assist".

The Complainant does not identify any advertising at the disputed domain name that in any way trades off of the Complainant's interests in its NILASSIST mark. Moreover, the Complainant goes so far as to admit that it has no objection to the Respondent's use of nilassist.ncaa.org though it contains the Complainant's mark in its entirety. If the Respondent had no right or legitimate interest in the disputed domain name, then the same would be true, perhaps more so, with the Respondent's use of another domain name containing the exact same element: NILASSIST.

The Panel is not persuaded by the Respondent's arguments relating to the alleged dictionary meaning of the elements "nil" and "assist" and their purported relation to the PPC links. Nor, when assessing rights and legitimate interests, does the Panel find relevance in the Respondent's assertion that the disputed domain name comprises wholly generic or descriptive terms. If the Respondent argues that it chose the disputed domain name to support its NCAA NIL ASSIST program, it cannot at the same time assert that the words have some other meaning (or no meaning) when they are monetized.

However, the Panel cannot conclude that, on the available record, the previous use of the dormant domain name for PPC links unrelated to the Complainant disproves the Respondent's stated intention to use the disputed domain name in connection with its business.

Accordingly, the Panel finds that the Complainant's evidence does not support a finding of no rights or legitimate interests.

The second element of the Policy has not been established.

C. Registered and Used in Bad Faith

The evidence presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark. Indeed, there is no evidence that the Respondent knew of the Complainant's trademark applications in 2024 when the disputed domain name was registered. As noted, the Complainant asserts its first use of the NILASSIST mark only in 2025.

There is no evidence suggesting that, at the time that the Respondent registered the disputed domain name, the Complainant had in any way publicized its planned NIL platform. The Complainant has not provided any evidence that its mark had developed a reputation, for instance, through its promotional activities, recognition in the field or visibility on social media. Therefore, there is no evidence available to the Panel to support a finding of bad faith on the part of the Respondent in registering the disputed domain name in anticipation of the Complainant's rights therein. [WIPO Overview 3.1](#), section 3.8.2.

Further, the Panel finds that the Complainant's filing of NILASSIST in respect of services in class 42 related to an AI-powered virtual assistant did not, in itself, provide constructive notice of the Complainant's impending platform for student-athletes. The Panel notes that the NILASSIST mark comprises elements that are descriptive of a service assisting student-athletes with "name image likeness" management. Even if the Respondent had been aware of this application, the Panel further finds that there is insufficient evidence to establish that the Respondent registered the disputed domain name with the intention of targeting the Complainant and its nascent rights in its NILASSIST mark.

There is nothing in the record to indicate that the registration of the disputed domain name was related to the Complainant's mark. The record indicates that, following the Complainant's demands for transfer, the Complainant offered to purchase the disputed domain name from the Respondent for USD 100, later increased to USD 250, which the Respondent refused. Under these circumstances, the Panel does not find that the Respondent registered the disputed domain name primarily for the purpose of selling it to the Complainant. [WIPO Overview 3.1](#), section 3.1.1.

On this record, the Panel finds that, on balance of probabilities, the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights because the Complainant had not established trademark rights at the time that the Respondent registered the disputed domain name. [WIPO Overview 3.1](#), section 3.8.1.

The Panel notes that the Policy requires the Complainant to establish that the disputed domain was registered and is being used in bad faith. The Complainant has not proved bad-faith registration of the disputed domain name. For that reason, the Respondent's later use of the disputed domain name for PPC links, and its later non-use of the disputed domain name are not relevant to a finding of bad faith.

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 3.1](#), section 4.16.

In this case, the Respondent argues that the Complainant was aware that the Complaint lacked merit. Further, the Respondent states that the Complainant selectively quoted the Respondent's counsel in its Complaint. It argues that, by so doing, the Complainant has attempted to mislead the Panel regarding the Respondent's admission of non-use of the disputed domain name.

The Panel does not find that the facts demonstrate that the Complainant knew or should have known that the Complaint could not succeed. The Panel further notes that the Complainant had provided the full text of the Respondent's communications in the case materials. Under these circumstances, the Panel does not find that it was misled or provided with incomplete evidence.

The Panel does not find that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Ingrīda Kariņa-Bērziņa/
Ingrīda Kariņa-Bērziņa
Presiding Panelist

/Sally M. Abel/
Sally M. Abel
Panelist

/Sandra J. Franklin/
Sandra J. Franklin
Panelist
Date: July 6, 2026