

ADMINISTRATIVE PANEL DECISION

Pepperdine University v. Idah Idah
Case No. D2025-0937

1. The Parties

The Complainant is Pepperdine University, United States of America (“United States”), represented by Cislo and Thomas LLP, United States.

The Respondent is Idah Idah, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <pepperdinewave.com> is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2025. On March 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 10, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 10, 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 March 11, 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 March 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 3, 2025.

The Center appointed Kateryna Oliinyk as the sole panelist in this matter on April 7, 2025. 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 prestigious Christian university of higher education offering undergraduate, graduate, law, and business degrees in the United States. The Complainant adopted the name “Waves” for its intercollegiate athletics teams in 1937. Over the course of more than eighty years, the Waves have achieved success in various National Collegiate Athletic Association (“NCAA”) sports, including securing ten NCAA team championships across five different sports. The Complainant uses the website under the domain name <pepperdinewaves.com> to offer for sale and sell its WAVES merchandise which features the PEPPERDINE and WAVES trademarks.

The Complainant owns several trademark registrations protecting the PEPPERDINE and WAVES trademarks, including the following:

- United States Trademark Registration No. 1,887,548 for PEPPERDINE UNIVERSITY 1937 FREELY YE RECEIVED FREELY GIVE (logo), registered on April 4, 1995, for services in International Class 41;
- United States Trademark Registration No. 1,885,392 for PEPPERDINE, registered on March 21, 1995, for services in International Class 41;
- United States Trademark Registration No. 2,668,597 for WAVES, registered on December 31, 2002, for services in International Class 41; and
- United States Trademark Registration No. 2,967,811 for PEPPERDINE WAVES with wave logo, registered on July 12, 2005, for services in International Classes 25 and 41.

The Complainant claims that it has registered and is using a number of domain names incorporating the PEPPERDINE and WAVES trademarks, including <pepperdine.edu>, <pepperdinewaves.com>, <pepperdine.com>, and <pepperdinesports.com>. These domain names resolve to websites that provide Internet users with access to information about the University and its programs, images of the Complainant’s facilities, and details regarding the purchase of athletic tickets and school merchandise.

The disputed domain name was registered on December 30, 2024, and redirects users to the webpage displaying a virus warning page. It contends the user’s computer has been infected with a virus and prompts the user to contact the “Microsoft Support Helpline”. The Complainant has also provided evidence that at other times, the website with the pay-per-click (“PPC”) links, including a link referencing the Complainant, has been displayed under the disputed domain name.

Prior to initiation of the administrative proceeding the Complainant sent the cease and desist letter to the Respondent through the Registrar.

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.

Identical or Confusingly Similar

The Complainant contends that it owns rights in the PEPPERDINE and WAVES trademarks.

The Complainant further alleges that the disputed domain name is confusingly similar to the Complainant's PEPPERDINE and WAVES trademarks. The Complainant further contends that the disputed domain name differs from the Complainant's authentic domain name <pepperdinewaves.com> by the omission of the single letter – "s".

No Rights or Legitimate Interests

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant claims that it has not authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

The Complainant contends that there is no evidence that the Respondent has used the disputed domain name in connection with a bona fide offering of goods or services. Rather, the Respondent's activities unlawfully infringe upon the Complainant's rights by exploiting the goodwill associated with the PEPPERDINE trademark to redirect consumers to the Respondent's website.

Registered and Used in Bad Faith

The Complainant asserts that the disputed domain name was registered and is being used in bad faith, with full knowledge of the Complainant's trademark rights and with the deliberate intent to cause confusion, deceive the public, and exploit the goodwill associated with the PEPPERDINE and WAVES trademarks.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[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." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- I. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- II. that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- III. that the disputed domain name has been registered and is being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

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 trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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

The disputed domain name reproduces the PEPPERDINE trademark in its entirety and almost entirely reproduces the WAVES trademark, with the mere omission of the letter "s".

The Panel finds the PEPPERDINE and WAVES trademarks are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel notes that, based on the available record, there is no evidence that the Respondent (as an individual, business, or other organization) is commonly known under the disputed domain name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.

Further, the Panel notes that neither license nor authorization appears to have been granted to the Respondent to make any use of the Complainant's PEPPERDINE and/or WAVES trademarks, or to apply for registration of the disputed domain name.

Based on the undisputed submission provided by the Complainant, the disputed domain name is used for the purpose of a technical support scam. The disputed domain name redirects to a website featuring pop-up windows, which warned the visitors that their computer was infected with Trojan-type spyware and prompted them to call a provided helpline, which use is fraudulent as the virus alert may harvest the users' data. In these circumstances it is clear to the Panel that the Respondent may have engaged in some form of deceptive and fraudulent activity and that the disputed domain name was registered with that in mind.

Panels have held that the use of a domain name for illegal activity, such as, phishing or any other type of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Captured instances of the use of the disputed domain name which is a combination of the Complainant's trademarks (with the mere omission of the letter "s" in the WAVES trademark) for a PPC website with some links referencing the Complainant and others related to its activities do not establish any rights or legitimate interests in the disputed domain name. [WIPO Overview 3.0](#), section 2.9.

Such use of the disputed domain name does not confer rights or legitimate interests on the Respondent. Given the above, the Respondent has failed to invoke any circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in respect of the disputed domain name. Thus, there is no evidence in the available record that refutes the Complainant's prima facie case. The Panel concludes that the Complainant has also established the requirement under paragraph 4(a)(ii) of the Policy.

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

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

As indicated above, the Complainant's rights in the PEPPERDINE and WAVES trademarks long predate the registration of the disputed domain name. This Panel finds that the Respondent was or should have been aware of the Complainant's trademarks at the time of registration of the disputed domain name, especially taking into account the composition of the disputed domain name which combines two of the Complainant's trademarks.

In sum, it is more likely than not that the Respondent registered the disputed domain name with the intention of taking advantage of the reputation of the Complainant's PEPPERDINE and WAVES trademarks.

Moreover, the disputed domain name is used by the Respondent primarily to attract Internet users to the website featuring an apparent technical support scam.

Panels have held that the use of a domain name for illegal activity here, claimed phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Other captured instances of using the disputed domain name for the website with PPC links associated with the Complainant also support a finding of bad faith in the circumstances of this case.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <pepperdinewave.com> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: April 21, 2025