

ADMINISTRATIVE PANEL DECISION

The Ohio State University v. Len Sheldon, Len Sherlock
Case No. D2025-1683

1. The Parties

The Complainant is The Ohio State University, United States of America ("United States"), represented by Frost Brown Todd LLC, United States.

The First Respondent is Len Sheldon, United States

The Second Respondent is Len Sherlock, United States.

The First and Second Respondents will hereinafter collectively be referred to as the "Respondents".

2. The Domain Names and Registrars

The disputed domain names <buckeyesjersey.com>, <ohiostatebuckeyesjerseys.com>, and <ohiostatecustomjerseys.com> are registered with Dynadot Inc (the "First Registrar").

The disputed domain name <ohiostatebuckeyesjersey.com> is registered with GoDaddy.com, LLC (the "Second Registrar").

Collectively the disputed domain names will hereby be referred to as the "Disputed Domain Names".

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 25, 2025. On April 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On April 25 and 27, 2025, the Second and First Registrar respectively transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondents (Domains By Proxy, LLC and Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint.

The Center sent an email communication to the Complainant on April 29, 2025 with the registrant and contact information of one of the underlying registrants revealed by the Registrars. The Complainant filed an amended Complaint on May 3, 2025. The Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 7, 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 May 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 28, 2025.

On June 2, 2025, the Center noted a defect in the Notification of the Complaint and provided the Complainant with a second communication on June 2, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the Disputed Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all Disputed Domain Names are under common control. The Complainant filed a second amended Complaint on June 6, 2025. On June 17, 2025, the Center notified the Respondent of the second amended Complaint, and provided the Respondent until June 22, 2025 to provide any comments or submissions. The Respondent did not provide a response.

The Center appointed Lynda M. Braun as the sole panelist in this matter on June 27, 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

Established in 1870, the Complainant has become one of the most well-respected institutions of higher learning in the United States. The Complainant offers educational courses, collegiate sporting events, recreation programs, and dramatic and musical events. The Complainant's athletic programs have a long history of success. Most recently, in January 2025, the Complainant's football team won its ninth NCAA football championship.

The Complainant owns numerous registered and uncontested trademarks and service marks through the United States Patent and Trademark Office ("USPTO") used in connection with its athletic teams, including, but not limited to: OHIO STATE, United States Trademark Registration No. 1,152,682, registered on April 28, 1981, in International Class 41; BUCKEYES, United States Trademark Registration No. 1,152,683, registered on April 28, 1981, in International Class 41; and BUCKEYES, United States Trademark Registration No. 1,267,035, registered on February 14, 1984, in International Classes 11, 14, 16, 18, 20, 21, 24, 25, 28 and 41 (hereinafter collectively referred to as the "OHIO STATE and BUCKEYES Marks").

The Complainant has used the OHIO STATE and BUCKEYES Marks continuously and exclusively for the past 100 years in connection with its educational, entertainment, and athletic programs, and its subsequent expansion of the trademarks for use in connection with the vast array of licensed products sold in connection with those programs. The Complainant spends millions of dollars in advertising and promoting its academic and athletic programs, as well as its branded merchandise, including apparel and accessories, to the consuming public each year.

The Complainant also owns many domain names, including <ohiostatebuckeyes.com> and <gobuckeyes.com>, which resolve to its websites at “www.ohiostatebuckeyes.com” and “www.gobuckeyes.com” that serve not only as information sources for its athletics programs and as means of communicating with customers regarding its branded products, but also a means for transacting direct-to-consumer purchases as well as influencing consumer purchases of products bearing its trademarks at its brick and mortar retail location.

The Disputed Domain names were registered as follows: the <ohiostatebuckeyesjerseys.com> Disputed Domain Name was registered on June 21, 2021 and updated on June 18, 2024; the <ohiostatecustomjerseys.com> Disputed Domain Name was registered on July 6, 2022 and updated on July 9, 2024; the <ohiostatebuckeyesjersey.com> Disputed Domain Name was registered on April 25, 2022 and updated on April 23, 2024; and the <buckeyesjersey.com> was registered on June 21, 2021 and updated on June 18, 2024. While these domain names do not currently resolve to any content, according to the Complainant the Internet Archive Wayback Machine shows that each of these Disputed Domain Names previously resolved to websites that mirrored one another and each sold purportedly counterfeit jerseys.

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 consolidation of the Respondents is appropriate in this proceeding since the Complaint relates to four Disputed Domain Names and corresponding websites and are subject to common control;
- the Disputed Domain Names are confusingly similar to the Complainant's Mark;
- the Respondents have no rights or legitimate interests in respect of the Disputed Domain Names;
- the Disputed Domain Names were registered and are being used in bad faith; and
- the Complainant seeks the transfer of the Disputed Domain Names from the Respondents to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondents

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

6. Discussion and Findings

6.1 Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple Disputed Domain Name registrants pursuant to paragraph 10(e) of the Rules.

The Disputed Domain Name registrants did not comment on the Complainant's request as they did not respond to the Complaint.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the Disputed Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2. Procedural efficiency would also underpin panel consideration of such a consolidation scenario. See *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#).

As regards common control, the Panel notes that all of the domain names list the same postal address. This address refers to a facility for the third party university, and the fact that all the domains are registered with the same false address suggests that the domains were registered by the same individual. Moreover, the Disputed Domain Names were registered using highly similar pseudonyms, namely, Len Sheldon and Len Sherlock. In addition, the websites initially were found to have mirrored one another.

The Complainant has been the target of common conduct based on the registration and use of the Disputed Domain Names and such conduct clearly affects the Complainant's trademark rights. Here, each of the Disputed Domain Names incorporate the Complainant's well-known BUCKEYES mark and/or the OHIO STATE mark in its entirety, and the Disputed Domain Names have been used in an identical manner to attract Internet visitors to websites offering identical merchandise. Based on the above, the Panel concludes that it is procedurally efficient, as well as fair and equitable to all Parties, for the Disputed Domain Names to be dealt with by means of a single Complaint. The Panel accordingly grants the Complainant's request for consolidation.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2 Substantive Issues

In order for the Complainant to prevail and have the Disputed Domain Names transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (i) the Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; and
- (iii) the Disputed Domain Names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the OHIO STATE and BUCKEYES Marks as explained below.

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. See [WIPO Overview 3.0](#), section 1.7.

It is uncontroverted that the Complainant has established rights in the OHIO STATE and BUCKEYES Marks based on its decades of use as well as its registered trademarks for the OHIO STATE and BUCKEYES Marks in the United States. Thus, the Complainant has shown rights in the OHIO STATE and BUCKEYES Marks for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Disputed Domain Names consists of the OHIO STATE and BUCKEYES Marks in their entirety with the addition of the terms “jersey” and/or “jerseys” and/or “custom” in the various Disputed Domain Names, followed by the generic Top-Level Domain (“gTLD”) “.com”. It is well established that a domain name that wholly incorporates a trademark may be deemed confusingly similar to that trademark for purposes of the Policy despite the addition of other terms. As stated in [WIPO Overview 3.0](#), section 1.8, “where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”. Thus, the addition of the terms “jersey”, “jerseys”, and “custom” to the Complainant’s OHIO STATE and BUCKEYES Marks in the Disputed Domain Names does not prevent a finding of confusing similarity. See e.g., *Cantor Fitzgerald Securities v. Wanda J. Bradley*, WIPO Case No. [D2020-3051](#).

Finally, the addition of a gTLD such as “.com” in a domain name is a technical requirement. As such, it is well established that a gTLD may typically be disregarded when assessing whether a disputed domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Names are confusingly similar to the Complainant’s OHIO STATE and BUCKEYES Marks.

Based on the available record, the Panel finds that 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 a 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 that 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. See [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 Names. 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 Names such as those enumerated in the Policy or otherwise.

The Panel finds that the Complainant has not authorized, or otherwise permitted the Respondent to use its OHIO STATE and BUCKEYES Marks, that the Complainant does not have any type of business relationship with the Respondent, that there is no evidence that the Respondent is commonly known by the Disputed Domain Names or by any similar names, and that there is no evidence that the Respondent was making demonstrable preparations to use the Disputed Domain Names in a bona fide manner. If the respondent fails to come forward with relevant rebutting evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Further, the use of the Disputed Domain Name to impersonate the Complainant to create websites using the OHIO STATE and BUCKEYES Marks on purportedly counterfeit apparel of the Complainant does not confer rights or legitimate interests on the Respondent. See [WIPO Overview 3.0](#), section 2.13.1 (“Panels have categorically held that the use of a domain name for illegal activity (e.g., impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.”).

In sum, the Panel concludes that the Complainant has established an un rebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Names. Rather, the Panel finds that the Respondent is using the Disputed Domain Names for commercial gain with the intent to mislead by potentially defrauding the Complainant or Internet users. Such use cannot conceivably constitute a bona fide offering of a product or service within the meaning of paragraph 4(c)(i) of the Policy.

Based on the available record, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Names pursuant to paragraph 4(a)(iii) of the Policy.

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.

First, the Respondent's scheme to create websites with purported counterfeits of the Complainant's apparel using the Disputed Domain Names evidences a clear intent to disrupt the Complainant's business, deceive individuals, and trade off the Complainant's goodwill by creating an unauthorized association between the Respondent and the Complainant's OHIO STATE and BUCKEYES Marks. See *Banco Bradesco S.A. v. Fernando Camacho Bohm*, WIPO Case No. [D2010-1552](#). Such conduct is emblematic of the Respondent's bad faith registration and use of the Disputed Domain Names. Numerous UDRP panels have found that such impersonation and counterfeit schemes that use a complainant's trademark in disputed domain names are evidence of bad faith.

Second, the registration of domain names that are confusingly similar to a registered trademark by an entity that has no relationship to that mark may be sufficient evidence of opportunistic bad faith. See *Ebay Inc. v. Wangming*, WIPO Case No. [D2006-1107](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#) (use of a name connected with such a well-known service and product by someone with no connection to the service and product suggests opportunistic bad faith). Based on the circumstances here, the Respondent registered and used the Disputed Domain Names in bad faith in an attempt to create a likelihood of confusion with the Complainant's OHIO STATE and BUCKEYES Marks.

Third, the Panel finds that the Respondent must have had actual knowledge of the Complainant's OHIO STATE and BUCKEYES Marks and targeted the Complainant when it registered the Disputed Domain Names, demonstrating the Respondent's bad faith. Based on the Respondent's confusingly similar Disputed Domain Names to the Complainant's trademark and domain name, it strains credulity to believe that the Respondent had not known of the Complainant or its OHIO STATE and BUCKEYES Marks when registering the Disputed Domain Names. The Respondent's awareness of the Complainant and its OHIO STATE and BUCKEYES Marks additionally suggests that the Respondent's decision to register the Disputed Domain Names was intended to cause confusion with the Complainant's OHIO STATE and BUCKEYES Marks and to disrupt the Complainant's business. Such conduct indicates that the Respondent registered the Disputed Domain Names in bad faith.

Accordingly, the third element of paragraph 4(a) of the Policy has been met by the Complainant.

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 Names <buckeyesjersey.com>, <ohiostatebuckeyesjerseys.com>, <ohiostatecustomjerseys.com> and <ohiostatebuckeyesjersey.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: July 10, 2025