

ADMINISTRATIVE PANEL DECISION

The Ohio State University v. Elliot Bobr
Case No. D2025-2147

1. The Parties

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

Respondent is Elliot Bobr, United States.

2. The Domain Name and Registrar

The disputed domain name <buckeyesportgear.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 1, 2025. On June 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 2, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to Complainant on June 4, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 9, 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 Respondent of the Complaint, and the proceedings commenced on June 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 1, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 4, 2025.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on July 8, 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

Complainant, The Ohio State University, is a nationally known public land-grant research university in Columbus, Ohio, United States founded in 1870. Complainant offers high level academic programs, a major health and medical research center, and athletics and musical and entertainment programs. Some of Complainant's collegiate athletics programs have achieved considerable competitive success.

Complainant has several trademarks and is owner of registrations for its BUCKEYES marks, including United States Trademark Registration No. 1152683, registered April 28, 1981 in Class 41, and United States Trademark Registration No. 1267035, registered February 14, 1984 in Classes 11, 14, 16, 18, 20, 21, 24, 25, 28, and 41.

Complainant maintains a large program of selling licensed apparel and merchandise bearing the BUCKEYES trademark and other marks of Complainant.¹

Respondent registered the disputed domain name on May 23, 2023. The disputed domain name does not presently resolve to an active webpage, however annexes to the Complaint show previous use of the disputed domain name to sell jerseys of named players from Complainant's collegiate competitions which the website represented as "authentic". The webpages bear the headings "Ohio State Buckeyes" and "Custom Shop". Several pages prominently display Complainant's OHIO STATE trademark. There is no description on the website of the relationship between its owner (identified on the website as "Buckeyesportgear.com") and Complainant.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that Respondent is using Complainant's trademarks for a website that sells infringing merchandise and other merchandise in competition with Complainant without authorization by Complainant. Complainant alleges that the activity is misleading in suggesting that the merchandise is "genuine", and that the website has no description of its relationship (or the absence of any relationship) with Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

¹ Complainant avers that its licensing program has generated over USD 145 million in royalty revenue from approximately USD 2.2 billion in licensed retail sales over the past 10 years.

6. Discussion and Findings

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 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.

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

The Panel finds that the first element of Policy paragraph 4(a) has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Panels have held that the use of a domain name for illegitimate activity (here, claimed sale of counterfeit goods, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that the second element of Policy paragraph 4(a) 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.

In the present case, Respondent used the confusingly similar disputed domain name to promote “authentic” jerseys purportedly from current and past members of Complainant’s collegiate sports teams, also using Complainant’s trademarks on the website itself. The Panel accepts Complainant’s unopposed allegations that it did not authorize the sale of the branded merchandise or use of Complainant’s trademarks. It appears clear to the Panel that Respondent “intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with ... [C]omplainant’s mark”, in the sense of paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegitimate activity (here, claimed sale of counterfeit goods, impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

Respondent’s failure to maintain accurate contact details in compliance with the registration agreement and the failure to respond to the Complaint are further indications of bad faith.

The Panel finds that Complainant has established the third element of paragraph 4(a) 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 <buckeyesportgear.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: July 22, 2025