

## **ADMINISTRATIVE PANEL DECISION**

The Brighton and Hove Albion Football Club Limited v. Tammy Gant  
Case No. D2025-2187

### **1. The Parties**

The Complainant is The Brighton and Hove Albion Football Club Limited, United Kingdom, represented by Stevens and Bolton LLP, United Kingdom.

The Respondent is Tammy Gant, Hong Kong, China.

### **2. The Domain Name and Registrar**

The disputed domain name <brightonandhovealbionjersey.com> is registered with Dynadot Inc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 4, 2025. On June 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 6, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 6, 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 June 6, 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 June 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 3, 2025.

The Center appointed Theda König Horowicz as the sole panelist in this matter on July 14, 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 company registered in the United Kingdom and based in Brighton, United Kingdom. The Complainant was incorporated on May 27, 1904. The Complainant is an English football team currently playing in the English Premier League, one of the top tier leagues of professional football in England. The team was founded in 1901.

The Complainant has had extensive national and international media coverage for football games in which it participated in the English Premier League. The matches take place at the American Express Community Stadium.

The Complainant owns multiple registered trademarks in the United Kingdom for marks comprising or including BRIGHTON & HOVE ALBION, in particular the United Kingdom Trademark BRIGHTON & HOVE ALBION No. UK00002584445, in int. cl. 6, 9, 14, 16, 18, 21, 24, 25, 28, 35, 36, 38, 41 and 43, registered on October 28, 2011.

The Complainant also operates its official website at “www.brightonandhovealbion.com” and owns several domain names including its trademarks. On its official website, the Complainant promotes its matches and teams and also has a shop on which it sells clothes bearing the club’s name as well as gifts and accessories. The website shows the clubs logo composed of its name and a seagull, the main colours of the club being white and blue.

The disputed domain name was registered on June 7, 2024, and resolves to a website having the same layout as the Complainant’s official website, using the same colours, displaying the Complainant’s trademark and logo, and offering for sale various products such as clothing bearing the Complainant’s trademark purporting to be official clothing of the Complainant.

#### **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 is either identical or confusingly similar to its BRIGHTON & HOVE ALBION trademark. The Complainant points to the use of the BRIGHTON & HOVE ALBION trademark in the disputed domain name and says that the addition of the word “jersey” does not distinguish the disputed domain name from the Complainant’s name and trademark.

The Complainant states that the Respondent has made any bona fide or legitimate commercial use of the disputed domain name. Rather, the Respondent is using the disputed domain name to sell unauthorized and counterfeit products bearing the Complainant’s BRIGHTON & HOVE ALBION trademark. More specifically, the Complainant states that it is not aware of any evidence that:

(a) Before any notice to the Respondent, the Respondent had made any use of or demonstrable preparations to use a name corresponding to the disputed domain name in connection with the bona fide offering of goods and services.

(b) The Respondent has been commonly known by the disputed domain name.

(c) The Respondent is making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly direct consumers or to tarnish the Complainant's name.

The Complainant claims that the disputed domain name was registered in bad faith. Given the strength of the Complainant's rights in its trademark, the Complainant states that the disputed domain name was acquired for the sole purpose of causing confusion or misleading the public into thinking that this site (hosted at the disputed domain name) was the Complainant's legitimate website. The Complainant further states that the disputed domain name is being used intentionally to attract for commercial gain Internet users by creating a likelihood of confusion with the Complainant's BRIGHT & HOVE ALBION trademark as to source, sponsorship, affiliation, or endorsement of the website. It states that the Respondent has no known reasonable justification for having registered the disputed domain name.

## **B. Respondent**

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

## **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 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 the trademark BRIGHTON & HOVE ALBION for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Complainant's BRIGHTON & HOVE ALBION trademark uses an ampersand whereas the disputed domain name uses the word "and", the ampersand not being a valid character in domain name registrations. Accordingly, despite this difference, the Complainant's trademark remains clearly recognizable within the disputed domain name and the addition of the descriptive term "jersey" does not prevent a finding of confusing similarity with Complainant's distinctive and original trademark. [WIPO Overview 3.0](#), section 1.7.

The Panel therefore 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.

In particular, the Complainant has shown that the disputed domain name resolves to an impersonating website having the same layout as the Complainant's official website, displaying the Complainant's trademark and logo, and selling clothing purportedly originating from the Complainant. Such use of a domain name for illegitimate activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel therefore 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.

In the present case, the Panel notes that the Complainant's trademark is distinctive and has been extensively used by the Complainant for decades including on the Internet through its official website and in social media. It obviously acquired a certain reputation in the United Kingdom and internationally.

In any case, there is no doubt that the Respondent knew about the Complainant's trademark when registering the disputed domain name as the Respondent already registered without authorization two other domain names containing the Complainant's distinctive trademark. See *The Brighton and Hove Albion Football Club Limited v. Tammy Gant*, WIPO Case No. [D2024-5046](#), and *The Brighton and Hove Albion Football Club Limited v. Tammy Gant*, WIPO Case No. [D2024-5047](#).

It is also to be noted that the disputed domain name resolves to a website copying the layout, white and blue colors, and distinctive logo of the Complainant (which notably reproduces a seagull in a circle). This website also promotes unauthorized clothing products purporting to be official Brighton & Hove Albion football club clothing. The clothing on the website also features the Complainant's seagull logo and the products description feature the Complainant's trademark.

These activities demonstrate clear knowledge by the Respondent of the Complainant's trademark rights in the BRIGHTON & HOVE ALBION and is evidence that the disputed domain name has been used to intentionally attempt to attract Internet users for commercial gain and to deceive individuals as to the origin of the website and the goods offered.

The Panel considers there is a high risk that the disputed domain name will deceive or confuse Internet users into thinking that the website to which it resolves is the Complainant's genuine site or is licensed or authorized by the Complainant, when this is not the case.

The use of a proxy shield by the Respondent to shield its identity, the fact that the Respondent did not participate in the present proceedings, and the fact that the Respondent registered without authorization in the past two other domain names containing the Complainant's trademark in order to sell goods unduly bearing the Complainant's trademark (showing a pattern of bad faith conduct), are additional factors of bad faith use and registration.

The Panel therefore 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 <brightonandhovealbionjersey.com> be transferred to the Complainant.

*/Theda König Horowicz/*

**Theda König Horowicz**

Sole Panelist

Date: July 29, 2025