

ADMINISTRATIVE PANEL DECISION

The Corporation of Gonzaga University dba Gonzaga University v. basil kelly
Case No. D2025-2227

1. The Parties

The Complainant is The Corporation of Gonzaga University dba Gonzaga University, United States of America ("United States"), represented by Wells St. John P.S., United States.

The Respondent is basil kelly, Ireland, self-represented.

2. The Domain Name and Registrar

The disputed domain name <gonzaga.com> is registered with Blacknight Internet Solutions Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 6, 2025. On June 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 11, 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 (Registrant Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 14, 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 amendment to the Complaint on June 19, 2025.

The Center verified that the Complaint together with the amendment to the 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 July 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2025. The Response was filed with the Center on July 21, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on July 31, 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 has, since 1912, operated a private university under the GONZAGA UNIVERSITY mark in Spokane, Washington, United States. The Complainant's men's basketball team has been particularly successful since the 1980s.

The Complainant's primary website is hosted at its domain name <gonzaga.edu> which was registered in 1992.

The Complainant's mark is registered under United States Trademark Registration No. 1931286 GONZAGA UNIVERSITY in class 41, having a registration date of October 31, 1995, and a first use in commerce date of 1912.

The disputed domain name was registered on December 20, 1999, and currently resolves to a website prominently stating: "This Domain is for Sale". The website incorporates photographs of the Complainant's basketball players, text copied from the Complainant's website, and a photograph of one of the Complainant's buildings.

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 and has been used in bad faith in order to take advantage of confusion with the Complainant for the Respondent's commercial gain.

B. Respondent

The Respondent contends that the word "Gonzaga" has significance as a surname as well as through its association with various other religious, geographic, and educational entities. He also claims to have a personal association with "Gonzaga College", a Jesuit school in Ireland, through a family member having been a teacher at that college.

The Respondent argues that he has a legitimate interest in the disputed domain name based on its generic nature and his personal association with the word.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name as in this case, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. 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 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 Respondent claims to have registered the disputed domain name for its generic significance as well as for his personal associations with the word “Gonzaga”. The Respondent, however, provides no evidence in support of these claims. His statements in this regard are in any event contradicted by the use to which the disputed domain name has been put, which, as discussed below in relation to bad faith, shows a clear intention to target the Complainant.

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

C. Registered and Used in Bad Faith

The use to which the disputed domain name has been put, as detailed in the Factual Background section above, makes it clear that the Respondent had the Complainant in mind, at least when using the disputed domain name.

The Complainant began using its mark approximately 87 years prior to registration of the disputed domain name, and the Complainant’s trademark was registered approximately four years prior to registration of the disputed domain name. The Complainant also added evidence showing that it received widespread recognition after a historic performance in March 1999 at the NCAA Men’s Basketball tournament, which was prior to registration of the disputed domain name in December of that year.

This, combined with the fact that the disputed domain name has in fact been used to target the Complainant, leads the Panel to infer, on balance of probabilities, that the Respondent's intentions when registering the disputed domain name were to target the Complainant in bad faith.

Per the [WIPO Overview 3.0](#), section 3.2.1: In some cases, e.g., where it is unclear why a domain name was initially registered and the domain name is subsequently used to attract Internet users by creating a likelihood of confusion with a complainant's mark, panels have found that UDRP paragraph 4(b)(iv), read in light of paragraph 4(a)(ii), can support an inference of bad faith registration for the respondent to rebut. Such inference would be supported by a clear absence of the respondent's own rights or legitimate interests, the nature of the domain name itself (i.e., the manner in which the domain name incorporates the complainant's mark), the content of any website to which the domain name points, the registrant's prior conduct generally and in UDRP cases in particular, the reputation of the complainant's mark, the use of (false) contact details or a privacy shield to hide the registrant's identity, the failure to submit a response, the plausibility of any response, or other indicia that generally cast doubt on the registrant's bona fides. See also *Pixers Ltd. v. Whois Privacy Corp.*, WIPO Case No. [D2015-1171](#).

In light of the facts discussed above, the Panel finds the foregoing paragraph and the factors it cites to be in favor of the Complainant on balance of probabilities, especially given that the Respondent has not supplied any evidence justifying its claimed intentions for the disputed domain name, nor did it explain or deny its use of the Complainant's texts and images on its website.

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 <gonzaga.com> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: August 8, 2025