

## **ADMINISTRATIVE PANEL DECISION**

Newcastle United Football Company Limited v. Michael Nava, Domain Nerdz LLC

Case No. D2025-2299

### **1. The Parties**

The Complainant is Newcastle United Football Company Limited, United Kingdom, represented by Gateley Legal, United Kingdom.

The Respondent is Michael Nava, Domain Nerdz LLC, United States of America ("United States").

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

The disputed domain name <newcastle-united.com> is registered with Sav.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 12, 2025. On June 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 12, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 13, 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 16, 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 9, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on July 10, 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 1892, the Complainant is a widely known football club in the Premier League in England and a company organized under the laws of the United Kingdom.

The Complainant is the owner of the NEWCASTLE UNITED trademark. Among others, the Complainant is the owner of the United Kingdom Trademark Registration No. 3886183, registered on June 9, 2023, for NEWCASTLE UNITED, covering protection for a large number of goods and services as protected in classes 3, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42 and 43. The Complainant is further the owner of the United States Trademark Registration No. 97368714, registered on September 12, 2023, for NEWCASTLE UNITED, covering protection for various goods as protected in class 6, 9, 14, 16, 18, 25 and 28.

The Complainant further operates its main website at “[www.newcastleunited.com](http://www.newcastleunited.com)”.

The Respondent is reportedly located in the United States and has apparently been involved in more than 20 other UDRP disputes as a respondent before, all of them decided against the Respondent. For instance, see *Primark Limited v. Michael Nava, Domain Nerdz LLC*, WIPO Case No. [D2023-2528](#).

The disputed domain name was registered on June 3, 2025.

Apparently, the disputed domain name has not been actively used so far. However, at the date of the Decision, the disputed domain name resolves to a website of a sales platform, where the disputed domain name is offered for sale to a price of USD 2,988,00.

#### **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.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistently with the consensus views stated therein.

#### **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the NEWCASTLE UNITED trademark 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. The mere addition of a hyphen does not serve to prevent a finding of confusing similarity between the disputed domain name and the Complainant's NEWCASTLE UNITED trademark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

There is particularly no indication in the case file that the Respondent is commonly known by the disputed domain name, nor that there are any circumstances or activities that would establish the Respondent's rights or legitimate interests therein. Furthermore, the Respondent's intent to commercially benefit from the resale of the disputed domain name, in view of its similarity with the Complainant's trademark, does not indicate any right or legitimate interest in the disputed domain name. Also, the Panel finds that the disputed domain

name carries a high risk of implied affiliation, given the fact that the disputed domain name is almost identical with the NEWCASTLE UNITED trademark of the Complainant. WIPO Overview, version 3.0, section 2.5.1.

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.

In the present case, the Panel notes that the Respondent must have had the Complainant and its NEWCASTLE UNITED trademark in mind when registering the dispute domain name. Given the high degree of confusing similarity of the Complainant's trademark registration and the disputed domain name, the Panel has no doubt that the Respondent deliberately chose the disputed domain name to target the Complainant and its trademark in bad faith.

As regards bad faith use, the Panel notes that the just recently registered disputed domain name is offered for sale by the Respondent on a sales platform to a price most likely beyond any documented out-of-pocket expenses for the registration of the disputed domain name. In view of the Panel, this demonstrates the Respondent's opportunistic bad faith to utilize the disputed domain name for illegitimate commercial purposes, particularly as the disputed domain name is almost identical to the Complainant's NEWCASTLE UNITED trademark and the Complainant's official domain name.

Furthermore, the Panel notes that the engagement of the Respondent in a pattern of trademark-abusive domain name registrations further supports the finding of bad faith registration and use of the disputed domain name. See e.g. *LIDL Stiftung & Co. KG v. Michael Nava, Domain Nerdz LLC*, WIPO Case No. [DCO2022-0080](#); *Primark Limited v. Michael Nava, Domain Nerdz LLC*, WIPO Case No. [D2023-3528](#); *AXA SA v. Michael Nava, Domain Nerdz LLC*, WIPO Case No. [DCO2023-0022](#); *Swedbank AB v. Privacy Protection, Privacy Protection / Michael Nava /or Domain Nerdz LLC*, WIPO Case No. [D2022-2109](#).

In addition, the Panel accepts the failure of the Respondent to submit a response to the Complainant's contentions as another indication for bad faith.

All these circumstances are in view of the Panel sufficient evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b) of the Policy. The Panel is convinced that this is a typical cybersquatting case, which the UDRP was designed to stop.

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 <newcastle-united.com> be transferred to the Complainant.

/Kaya Köklü/

**Kaya Köklü**

Sole Panelist

Date: July 18, 2025