

ADMINISTRATIVE PANEL DECISION

Western Governors University v. Kennedy Ligawa, XCites
Case No. D2025-2350

1. The Parties

The Complainant is Western Governors University, United States of America (“United States”), represented by Andrew D. Klee, United States.

The Respondent is Kennedy Ligawa, XCites, Kenya.

2. The Domain Name and Registrar

The disputed domain name <wguc.college> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2025. On June 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 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 (Private Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 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 23, 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 June 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 17, 2025.

The Center appointed Enrique Bardales Mendoza as the sole panelist in this matter on July 22, 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 non-profit, accredited academic institution offering remote, skills-based degree programs in fields such as healthcare, business, IT, and education. It serves over 150,000 students across the United States, focusing on underserved populations including adult learners with previous academic experience. As evidenced in Exhibit D to the Complaint, the Complainant owns, amongst others, the following trademark registrations:

- United States Trademark No. 4069558 for WGU (registered on December 13, 2011) and covering services in class 41;
- United States Trademark No. 4346288 for WGU WESTERN GOVERNORS UNIVERSITY WWW.WGU.EDU and logomark (registered on June 4, 2013) and covering services in class 41;
- United States Trademark No. 4973161 for WGU and logomark (registered on June 7, 2016) and covering services in class 41;
- United States Trademark No. 6608798 for WGU ACADEMY (registered on January 4, 2022) and covering services in classes 25 and 41;
- United States Trademark No. 7039536 for WGU (registered on May 2, 2023) and covering services in class 42;

The disputed domain name <wguc.college> was registered on March 6, 2025. According to the Exhibit E to the Complaint, the disputed domain name directs to a page that clearly refers to the types of services that the Complainant would offer by directly mentioning at the top of the page the phrase "Welcome to Western Governors University College". Further, the disputed domain name has been used to send fraudulent emails, requesting recipients' financial information.

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 confusingly similar to the WGU trademark, and that the addition of the letter "c" and the generic Top-Level Domain ("gTLD") ".college" to the Complainant's trademark does not prevent a finding of confusing similarity.

According to the Complainant, the Respondent lacks rights or legitimate interests in the disputed domain name because:

- (i) there is no relationship or authorization between the Complainant and the Respondent in respect of the use of the WGU trademark.
- (ii) the Respondent has used the disputed domain name for fraudulent purposes by inducing individuals to share financial information with them (Exhibit F of the Complaint).

The Complainant also contends that the Respondent has acted in bad faith by attempting to impersonate the Complainant for fraudulent purposes as there is a likelihood of confusion between the Complainant's marks and the disputed domain name.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that the following three elements are present in order to obtain the transfer or cancellation of the disputed domain name:

- a. It must be demonstrated that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.
- b. It must be demonstrated that the Respondent has no rights or legitimate interests in respect of the disputed domain name.
- c. It is necessary to demonstrate that the disputed domain name has been registered and used in bad faith.

Since in the present case there was no response from the Respondent to the Complaint filed by the Complainant, the Panel can take as true those assertions of the Complainant that it considers reasonable (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#)).

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. 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 addition of other terms (here, "c") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. Further, the generic Top-Level Domain ("gTLD") ".college" is viewed as a standing requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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.

- (i) before any notice of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, in spite of not having acquired trademark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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 Complainant’s trademark WGU offers services related to education in different fields. Thus, the extra letter “c” in the disputed domain name <wguc.college> does not confer any distinctiveness that would allow to differentiate it from the Complainant’s. This fact would be reinforced if it is taken into consideration that, according to Exhibit E, the content of the web page linked to the disputed domain name displays at the top the phrase “Welcome to Western Governors University College”, with a clear allusion to the Respondent and the services it offers.

Moreover, the gTLD “.college” refers to the same type of services offered by the Complainant, which further reinforces the alleged likelihood of confusion.

Additionally, the Panel notes that there is no relationship between the Complainant and the Respondent, nor has there been any authorization by the Complainant to use the WGU trademark in a domain name or otherwise. Therefore, the Respondent has no rights or legitimate interests in the disputed domain name, as evidenced by the fact that the fraudulent services offered by the Respondent through the disputed domain name are the Complainant’s own and are offered with clear reference to the Complainant (Exhibit E of the Complaint).

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

C. Registered and Used in Bad Faith

In the present case, the following circumstances demonstrate bad faith registration and use of the disputed domain name:

(i) the disputed domain name was registered on March 6, 2025, long after the registration of the Complainant’s trademarks (2011);

(ii) The Respondent has not provided any evidence of good faith use of the disputed domain name;

(iii) The Respondent has attempted to impersonate the Complainant for fraudulent purposes with clear reference to the Complainant’s identity and related services.

(iv) The Respondent’s failure to respond to the Complaint.

The bad faith on the part of the Respondent would be reinforced if one considers Exhibit F of the Complaint which shows not only a clear intention of the Respondent to obtain financial information from the user, but to achieve this impersonating the Complainant.

Panels have held that the use of a domain name illegal activity (here, claimed impersonation) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <wguc.college> be transferred to the Complainant.

/Enrique Bardales Mendoza/

Enrique Bardales Mendoza

Sole Panelist

Date: August 5, 2025