

ADMINISTRATIVE PANEL DECISION

Novagold Resources Inc. v. Nova Gold, NovaGold Miners
Case No. D2025-2984

1. The Parties

The Complainant is Novagold Resources Inc., Canada, represented by Cassels Brock & Blackwell, LLP, Canada.

The Respondent is Nova Gold, NovaGold Miners, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <novagoldminers.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 25, 2025. On July 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 28, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 30, 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 August 4, 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 August 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 1, 2025.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on September 5, 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

Founded in 1984, the Complainant, which does business as NOVAGOLD, is a publicly traded company listed on the New York Stock Exchange and the Toronto Stock Exchange. The Complainant is engaged in the exploration, development, and investment of major mining deposits. Currently, the Complainant's flagship asset is the Donlin Gold Project, which it owns jointly with Donlin Gold Holdings LLC.

According to the Complainant, the Donlin Gold Project, located in Alaska, United States of America ("United States") is one of the largest known open-pit gold deposits in the world.

The Complainant owns the NOVA GOLD and NOVAGOLD trademarks, which enjoy protection through valid registrations.

The Complainant is, inter alia, the owner of:

United States Trademark Registration number 4,574,621 for the NOVAGOLD (word) trademark, registered on July 29, 2014.

Canadian trademark registration number TMA868037 for the NOVAGOLD (word) trademark registered on December 30, 2013.

The Complainant is also the owner of the domain name <novagold.com>, registered on April 19, 2005. Since at least as early as June 23, 2008, the Complainant has used its website to communicate with clients, investors, suppliers, and the general public regarding its mining operations and projects, including the Donlin Gold project.

The disputed domain name was registered on June 3, 2025, and resolves to a website that displays information and advertises "investment opportunities" offered by an entity identified as "NovaGold", "NovaGold Mines" and/or "NovaGold Miners".

Certain pages of the Respondent's website, including the "About" page, claim that "NovaGold Miners is a Canadian-based precious metals company" and the Respondent owns and/or operates the Donlin Gold project.

On June 25, 2025, the Complainant sent a cease and desist letter to the Respondent. As of the date of the Complainant's filing, the letter remains unanswered.

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 addition of the term "miners" in the disputed domain name does not avoid confusion with the Complainant's trademark; that the Respondent's use of the disputed domain name for a website displaying the Complainant's NOVAGOLD trademark and trade name, in an apparent attempt to impersonate the Complainant or to suggest an affiliation with the Complainant, does

not give rise to rights or legitimate interests; and that bad faith registration and use should be found, as the Respondent registered the disputed domain name and used the Complainant's NOVAGOLD trademark on the corresponding website while being aware of the Complainant's trademark rights, with the intent to take advantage of and capitalize on the Complainant's well-known trademark.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

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 NOVAGOLD mark is incorporated entirely and 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.

Although the addition of other terms here, "miners", 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.

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 Panel notes that the composition of the disputed domain name, which incorporates the Complainant's trademark together with the term "miners" (a direct reference to the industry in which the Complainant operates) carries a risk of implied affiliation.

Furthermore, the Respondent's repeated use of the NOVAGOLD trademark, its references to itself as "NovaGold", "NovaGold Mines" or "NovaGold Miners", and its descriptions of "NovaGold Miners is a Canadian-based precious metals company" and the Donlin Gold Project as "the company's principal asset" lead to the reasonable inference that Internet users may assume the Respondent's website is associated with the Complainant.

The impersonating nature of the disputed domain name is thereby reinforced, and as such, the disputed domain name cannot qualify as fair use, as it effectively impersonates the Complainant or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Panels have held that the use of a domain name for illegitimate activity, here claimed to be impersonation, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent's name per the Whois record for the disputed domain name – as disclosed by the concerned Registrar – is "Nova Gold, NovaGold Miners", and it is potentially relevant because of paragraph 4(c)(ii) of the Policy. However, for the reasons discussed in relation to bad faith below, it is likely that the Respondent adopted this name and registered the disputed domain name in order to benefit from confusion with the Complainant, which cannot give rise to rights or legitimate interests.

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, as discussed below, it is highly likely that the Respondent was aware of the Complainant's trademark registrations and rights to the NOVAGOLD trademark when it registered the disputed domain name.

The disputed domain name contains in its entirety, without any relationship, authorization or approval by the Complainant, the Complainant's registered NOVAGOLD trademark combined with the term "miners".

Owing to the substantial presence established, worldwide and on the Internet, by the Complainant, it is unlikely that the Respondent was not aware of the existence of the Complainant, or of the Complainant's trademark and domain name, when registering the disputed domain name.

In fact, the Complainant's NOVAGOLD trademarks as well as the domain name comprising "novagold" were registered many years before the Respondent registered the disputed domain name.

Noting also the composition of the disputed domain name, which incorporates the Complainant's trademark along with the additional descriptive term "miners", combined with the fact that the Respondent's website displays the NOVAGOLD trademark and trade name, as well as references to the Complainant's Donlin Gold Project, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's prior rights to the NOVAGOLD trademark. The Panel is therefore satisfied that the Respondent has registered the disputed domain name in bad faith.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Further, by using the disputed domain name, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Finally, the bad faith registration and use of the disputed domain name are further supported by the fact that the Respondent did not respond to the Complainant's cease and desist letter, nor did it deny the assertions of bad faith made by the Complainant in these proceedings.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <novagoldminers.com> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: September 16, 2025