

ADMINISTRATIVE PANEL DECISION

Mary M. Cheh v. GEORGE IHUGO

Case No. D2025-3034

1. The Parties

The Complainant is Mary M. Cheh, United States of America ("United States").

The Respondent is GEORGE IHUGO, United Kingdom ("UK").

2. The Domain Name and Registrar

The disputed domain name <marycheh.com> is registered with TurnCommerce, Inc. DBA NameBright.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 28, 2025. On July 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 30, 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 ("NameBrightPrivacy.com") and contact information in the Complaint. The Center sent an email communication to the Complainant on July 31, 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 amended Complaints on August 1, August 22, and August 25, 2025.

The Center verified that the Complaint together with the amended Complaints 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2025. The Response was filed with the Center on August 26, 2025.

The Center appointed John Swinson as the sole panelist in this matter on September 18, 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 Mary M. Cheh, a politician who served on the Council of the District of Columbia, United States, representing Ward 3 from 2007 to 2023. The Complainant is currently a Professor of Law at The George Washington University Law School. She has been and continues to be a frequent speaker and media commentator on legal affairs, and writes academic and other works. Her most well-known book, *Exam Pro on Criminal Procedure* (6th ed., 2024), is published by West Academic, the leading national publisher of legal education materials in the United States.

The Respondent has an address in the UK. The Respondent operates PremiumDildos.com, an ecommerce store in the sexual wellness industry.

The Complainant registered the disputed domain name on March 26, 2007.

The Complainant used the disputed domain name during her public service tenure (2007–2023) as an official and informational website. The Complainant let the disputed domain name lapse in March 2023.

In May 2023, the disputed domain name was registered by a third party.

The Respondent purchased the disputed domain name from the third party in 2023.

Thereafter, the disputed domain name resolved to an “under construction” page and later redirected to the Respondent’s sex toys website “www.premiumdildos.com”.

At the time of this Decision, the disputed domain name resolves to a website that has a message that states: “Website Unavailable. The website you are trying to reach is unavailable due to security measures in place which restrict unauthorized access.”

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.

In summary, the Complainant makes the following submissions:

The Complainant is a prominent public figure, recognized for her long public service and ongoing academic role. The Complainant has established common law trademark rights in her personal name, Mary Cheh, which has acquired secondary meaning through longstanding public service, academic prominence, and continued professional use after leaving elected office. The Complainant’s name is publicly recognized beyond her immediate professional circles, and thus functions as a source identifier.

The disputed domain name redirects to a commercial adult-content site, which does not constitute a bona fide offering of goods or services. The redirection to a pornographic website tarnishes the Complainant's reputation and constitutes exploitative use, which disqualifies any legitimate interest.

On July 31, 2025, the Respondent, also known as George Njenga, contacted the Complainant via email stating that he had purchased the disputed domain name for USD 15,000 and offered to sell it "at a fair price."

B. Respondent

The Respondent contends that the Complainant has not satisfied the second and third elements required under the Policy for a transfer of the disputed domain name.

In summary, the Respondent makes the following submissions:

The Respondent acquisition of the disputed domain name for USD 15,000 reflects genuine business intent, not cybersquatting.

The Complainant's registration of the disputed domain name lapsed after more than 16 years of ownership. The disputed domain then became publicly available under the normal operation of the domain name system. The Respondent lawfully acquired the disputed domain name through a legitimate marketplace transaction, paying USD 15,000 via PayPal. At no point did the Respondent interfere with the Complainant's registration or cause the lapse; the acquisition was made in good faith reliance on the domain expiration system.

The Respondent has not registered other public figures' names. This was an isolated acquisition, made in good faith.

The mere registration of an expired domain name, without more, does not itself demonstrate bad faith.

The disputed domain name has been used solely in connection with a genuine, PayPal-supported ecommerce business.

The Respondent also provided a signed declaration, which is signed with a different name in the signature block.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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.

The onus of proving these elements is on the Complainant.

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 relies upon common law or unregistered trademark rights.

The UDRP does not explicitly provide standing for personal names which are not registered or otherwise protected as trademarks. In situations however where a personal name is being used as a trademark-like identifier in trade or commerce, the complainant may be able to establish unregistered or common law rights in that name for purposes of standing to file a UDRP case where the name in question is used in commerce as a distinctive identifier of the complainant's goods or services. [WIPO Overview 3.0](#), section 1.5.2.

Under the law of publicity, as recognized in virtually all United States jurisdictions, well known individuals have the right to control commercial exploitation of their names and likenesses. See *Bi-Rite Enterprises, Inc., Et Al. V. Bruce Miner Company, Inc., Et Al.*, 757 F.2d 440 (1st Cir. 1985). To be entitled to protection under the Policy, however, a personal name must function as a trademark, and for common law trademark rights to exist, the Complainant's personal name must have come to be recognized by the public as a symbol which identifies particular goods or services with a single source. *Margaret C. Whitman v. Domains For Sale*, WIPO Case No. [D2008-1534](#).

In the present case, based on the evidence in the case file, the Complainant is a well-known legal author and speaker, and the Complainant's personal name has become recognized by the legal community as a sign that identifies legal publications and presentations with the Complainant.

See, for example, *Marian Keyes v. Old Barn Studios Ltd*, WIPO Case No. [D2002-0687](#).

The Panel finds the Complainant has established unregistered trademark or service mark rights in MARY CHEH for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Respondent does not contest the first element of the Policy.

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.

There is no evidence before the Panel that the Respondent is commonly known as Mary Cheh.

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 states that he purchased the disputed domain name "as a possible brand name for his ecommerce venture because it is short, catchy, and easy to pronounce." Shortly afterward, the Respondent decided that <premiumdildos.com> "was a more effective domain name for his business niche. As a result, marycheh.com was redirected to PremiumDildos.com." The Respondent further states that the disputed domain name "was purchased for its brandable qualities, not for any connection to the Complainant."

The Panel fails to see how the disputed domain name has brandable qualities other than due to its connection to the Complainant.

The Respondent has not presented any evidence of use or intended use of the disputed domain name that relate to the "brandable qualities" of "Mary Cheh".

The Respondent's use of the disputed domain name to redirect to website selling sex toys does not, absent any legitimate explanation, provide the Respondent with rights or legitimate interests in the disputed domain name. *Ant Group Co. Ltd. and Advanced New Technologies Co., Ltd v. lin caishen*, WIPO Case No. [D2024-4780](#).

The Panel does not find that the Respondent's "www.premiumdildos.com" website is not genuine or is illegitimate. Rather, the use of the disputed domain name to redirect to the "www.premiumdildos.com" website does not demonstrate rights or legitimate interests in the disputed domain name.

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

C. Registered and Used in Bad Faith

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.

The Respondent states that he had no knowledge of the Complainant when he purchased the disputed domain name. He also states that he purchased the disputed domain name for USD 15,000 and states that provides PayPal evidence of the cost of acquisition. However, this evidence does not show purchase of the disputed domain name or any purchase for an amount of USD 15,000 or similar.

The Respondent chose to divert the disputed domain name to a sex toys website shortly after acquiring the disputed domain name.

Past panels have elaborated at length about the high risk of tarnishment to a trademark arising from such behavior by a respondent irrespective of motivation. See, for example, *But International v. tianlihong* (□ □ 红), WIPO Case No. [D2023-0267](#). The Panel finds that the Respondent has attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion as to the source, affiliation, or endorsement of the website. This amounts to evidence of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

The fact that the disputed domain name is not currently being used does not prevent a finding of bad faith under the third element of the Policy in the circumstances of these proceedings.

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 <marycheh.com> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: October 2, 2025