

## **ADMINISTRATIVE PANEL DECISION**

The Ohio State University v. Ashleigh Hovda, Buckeye Official  
Case No. D2025-3829

### **1. The Parties**

The Complainant is The Ohio State University, United States of America ("United States" or "U.S."), represented by Frost Brown Todd LLP, U.S.

The Respondent is Ashleigh Hovda, Buckeye Official, U.S.

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

The disputed domain name <buckeyeofficial.com> (the "Disputed Domain Name") is registered with Tucows Domains Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 19, 2025. On September 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On the same day, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 24, 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 September 29, 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 September 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 26, 2025.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on November 4, 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 states that it was “established” in 1870 and is “one of the most well-respected institutions of higher learning in the United States”; that its “undergraduate program and graduate programs for law, medicine, business, engineering, and education are all currently ranked among the top 40 schools in the nation in their respective areas by U.S. News & World Report”; and that it is “among only five universities with NCAA championships in baseball, basketball, and football” and has “also won national championships in women’s ice hockey, men’s swimming and diving, men’s outdoor track and field, men’s golf, men’s gymnastics, men’s fencing, co-ed fencing, synchronized swimming, and men’s volleyball.”

The Complainant states, and provides documentation to support, that it is the owner of “numerous” trademark registrations, including the following:

- U.S. Reg. No. 1,152,683 for BUCKEYES (registered April 28, 1981) for use in connection with “providing college sport exhibition events and recreation programs”; and
- U.S. Reg. No. 1,267,035 for BUCKEYES (registered February 14, 1984) for use in connection with, inter alia, “pens, posters, decals, and paintings”.

The registrations listed above are referred to herein as the “BUCKEYES Trademark.”

The Complainant states that it has used the BUCKEYES Trademark “continuously and exclusively for the past 100 years in connection with its educational, entertainment, and athletic programs”; that it “spends millions of dollars in advertising and promoting of its academic and athletic programs, as well as its branded merchandise, including clothing apparel and accessories, to the consuming public each year”; that “consumers can purchase Complainant’s extensive line of clothing apparel, accessories, décor, games, and many other household items through e-commerce, specifically at <gobuckeyes.com>”; and that it “owns a robust domain portfolio, including <ohiostatebuckeyes.com> and <gobuckeyes.com>, which serve not only as information sources for Ohio State athletics and as means of communicating with customers regarding Ohio State branded products, but also a means for transacting direct-to-consumer purchases as well as influencing consumer purchases of products bearing [Complainant’s trademarks] (including the [BUCKEYES Trademark]) at its retail location.”

The Disputed Domain Name was created on December 7, 2024. The Complainant states, and provides documentation in support thereof, that the Disputed Domain Name is used in connection with “a website that purports to sell merchandise branded with Complainant’s trademarks (e.g., the header of the website prominently displays the [BUCKEYES Trademark] (in its singular form) and the website includes 44 product listings that display [Complainant’s trademarks] and/or the [BUCKEYES Trademark].”

#### **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 BUCKEYES Trademark because it contains the BUCKEYES Trademark in its entirety, and the addition of the word “official” “only increases confusion to those consumers looking for officially licensed [BUCKEYES Trademark] branded clothing and accessories on the internet.”

- the Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, “Respondent is neither a licensee nor otherwise affiliated with Complainant”; Respondent registered the Disputed Domain Name “well after the [Complainant’s trademarks] and the [BUCKEYES Trademark] had become famous trademarks of Complainant and well after the many established traditions of Complainant’s and the athletic successes of the athlete’s name referenced and displayed on [the Disputed Domain Name]”; and Respondent is using the Disputed Domain Name “to profit from confused consumers of the Complainant who are seeking information on Complainant and its products and services.”

- The Disputed Domain Name was registered and is being used in bad faith because, inter alia, “Respondent intended to capitalize on the [BUCKEYES Trademark] by registering a domain that includes the well-known [Complainant’s trademarks] with the intent to profit from the resulting traffic misdirected to that domain”; “Respondent registered the [Disputed Domain Name] long after the [BUCKEYES Trademark] had become a famous trademark of Complainant, and long after Respondent knew of Complainant’s superior and prior rights”; and “Respondent did not respond to the cease and desist letter sent by Complainant on August 31, 2025, demanding that Respondent cease and desist its infringing use of Complainant’s [trademarks] and the [BUCKEYES Trademark].”

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

Based upon the trademark registrations cited by the Complainant, it is apparent that the Complainant has rights in and to the BUCKEYES Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the BUCKEYES Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “buckeyeofficial”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.1.

As set forth in section 1.7 of [WIPO Overview 3.0](#): “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, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.” Here, the Disputed Domain Name obviously contains a dominant feature (and nearly the entirety) of the BUCKEYES Trademark, differing only by its absence of the plural letter “s.” As previous panels have found, (“omission of the last letter ‘s’ does not prevent a finding of confusing similarity of the disputed domain name with the Complainant’s word trademark.” *VUR Village Trading No. 1 Limited v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Syvester Abdulahi*, WIPO Case No. [D2021-1888](#). See also, e.g., *The Sportsman’s Guide, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1121](#) (omission of the letter “s” in disputed domain name is “trivial” and does not avoid confusing similarity); and *Cancer Treatment Centers of America, Inc. (CTCA) v. Henry Chan*, WIPO Case No. [D2003-0611](#) (finding confusing similarity where disputed domain name “merely deletes the ‘s’ from” the trademark).

Further, as set forth in section 1.8 of [WIPO Overview 3.0](#): “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.” Here, the word “official” is such a term. Indeed, previous panels have found that inclusion of the word “official” in a disputed domain names does nothing to prevent confusing similarity. See, e.g., *The Johns Hopkins University, The Johns Hopkins Health System Corporation, Johns Hopkins Medicine International, L.L.C. v. Ha Tien Son*, WIPO Case No. [D2024-0139](#) (finding <johnshopkinsofficial.com> confusingly similar to JOHNS

HOPKINS); *Andrea Mantella v. gilda copertino*, WIPO Case No. [D2024-0037](#) (finding <astropinkofficial.com> confusingly similar to ASTROPINK); and *Kohler Co. v. Mo Linfang*, WIPO Case No. [D2023-3350](#) (finding <kohlerofficial.com> confusingly similar to KOHLER).

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

## **B. Rights or Legitimate Interests**

The Complainant has argued that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, “Respondent is neither a licensee nor otherwise affiliated with Complainant”; The Respondent registered the Disputed Domain Name “well after the [Complainant’s trademarks] and the [BUCKEYES Trademark] had become famous trademarks of Complainant and well after the many established traditions of Complainant’s and the athletic successes of the athlete’s name referenced and displayed on [the Disputed Domain Name]”; and the Respondent is using the Disputed Domain Name “to profit from confused consumers of the Complainant who are seeking information on Complainant and its products and services.”

Notably, the Complainant does not address the fact that the name used by Respondent in registering the Disputed Domain Name was “Ashleigh Hovda, Buckeye Official.” This is potentially relevant because the Policy enables a respondent to establish rights or legitimate interests by showing that it “ha[s] been commonly known by the domain name, even if [the respondent] ha[s] acquired no trademark or service mark rights.” However, nothing in the record indicates that the Respondent’s use of the name “Buckeye Official” when registering the Disputed Domain Name means that it is “commonly known” by this name. On the contrary, previous decisions under the Policy have found that “the use of the Complainant’s name to register the disputed domain name as evidenced by the WhoIs, falsely suggests affiliation with the Complainant and points to an intention to confuse Internet users by leading them to think that the disputed domain name belongs to the Complainant.” *Barclays Bank PLC v. “Barclays Bank”*, WIPO Case No. [D2023-0185](#). See also, e.g., *Quest Diagnostics Investments LLC v. Quest*, WIPO Case No. [D2019-1030](#) (“Registration under the name ‘Quest’, which does bear some similarity to the disputed domain name, does not alone suffice to show that the Respondent is commonly known by the disputed domain name”). Although the Respondent here has used a misspelled (singular) version of the BUCKEYES Trademark, Internet users may not notice the subtle difference between “Buckeye” and “Buckeyes” and may be misled into believing that the Disputed Domain Name is affiliated with the Complainant.

[WIPO Overview 3.0](#), section 2.1, states: “[w]hile 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

The Panel finds that Complainant has established its prima facie case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

## **C. Registered and Used in Bad Faith**

Whether a domain name is registered and being used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a

corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location. Policy, paragraph 4(b).

It is clear that the Respondent's use of the Disputed Domain Name to sell its own merchandise bearing the Complainant's trademarks and mascots is not authorized. As a result, users are likely to be confused that the Respondent's website is sponsored by, affiliated with, or endorsed by Complainant. By using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the BUCKEYES Trademark, which constitutes bad faith within the meaning of paragraph 4(b)(iv) of the Policy. See, e.g., *Janie and Jack LLC v. jing guan*, WIPO Case No. [D2024-1004](#) (finding bad faith where "the disputed domain name resolved to a website purporting to sell clothing for children using the [complainant's] mark without disclosing the Respondent's lack of a relationship with the Complainant"); *B. Forever v. Mostow Co.*, WIPO Case No. [D2024-2689](#) (finding bad faith where "[t]he disputed domain name... resolves to a website that seems to offer clothing for sale under the [complainant's] trademark"); and *ConexionBorn, S.L. v. Bhdhs Vhfdq*, WIPO Case No. [D2024-2576](#) (finding bad faith where "the disputed domain name resolves to a website purportedly offering for sale yoga clothes and accessories under names which each time include... a prominent feature of the Complainant's trademark").

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 <buckeyeofficial.com> be transferred to the Complainant.

*/Douglas M. Isenberg/*

**Douglas M. Isenberg**

Sole Panelist

Date: November 7, 2025