

ADMINISTRATIVE PANEL DECISION

Novagold Resources Inc. v. Thomas Finn
Case No. D2025-4099

1. The Parties

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

The Respondent is Thomas Finn, United States of America.

2. The Domain Name and Registrar

The disputed domain name <novagoldresources.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 October 7, 2025. On October 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 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 / Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 9, 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 October 9, 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 October 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 4, 2025.

The Center appointed Zoltán Takács as the sole panelist in this matter on November 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

Founded in 1984, the Complainant is a public company which explores, develops and secures investments in major mining properties and is listed on the New York Stock Exchange and on the Toronto Stock Exchange.

Currently, the Complainant's flagship asset is the Donlin Gold project, which is one of the largest known open-pit gold deposits in the world.

The Complainant is the owner of the Canadian Trademark Registration No. TMA868037 for NOVAGOLD, registered on December 30, 2013, which the Complainant has used in Canada since at least as early as March 1987, as indicated on the trademark registration.

The Complainant owns and operates the website located at the domain name <novagold.com>, which was registered on April 19, 2005 and which the Complainant has used since at least as early as June 23, 2008, to communicate with clients, investors, suppliers and the public at large about its operations and projects.

The disputed domain name was registered on July 22, 2025, and has been used for a website seemingly offering broad range of Internet banking services.

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 which fully incorporates its NOVAGOLD trademark is confusingly similar to it since the addition of the descriptive term "resources" to the mark in the disputed domain name does not prevent a finding of confusing similarity;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy; and
- the disputed domain name and the Respondent's website at the disputed domain name falsely suggest that the Respondent is affiliated with or endorsed by the Complainant; and
- the website at the disputed domain name contains numerous indications of a fraudulent and illegitimate scheme, including the clearly fake address that it lists for the Respondent; the numerous typographical and grammatical errors throughout the website and the lack of any information that would confirm lawful incorporation or accreditation of the Respondent's "bank".

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

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

6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

- (i) the 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 domain name; and
- (iii) the 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 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 entirety of the NOVAGOLD trademark is reproduced and 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.

Although the addition of other terms, here the term "resources" 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 that 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 Respondent is not a licensee of, or otherwise affiliated with the Complainant, nor has the Complainant given the Respondent permission to use the NOVAGOLD trademark in any manner, including in the disputed domain name.

As mentioned above, the Respondent has been using the disputed domain name for a website that seemingly offers broad range of Internet banking services. However, the Panel accepts that Complainant's unchallenged assertions that nothing on the Respondent's website at the disputed domain name indicates that the alleged "bank" is incorporated or accredited as such, or that is capable of providing lawful banking services. The website also contains a clearly fake address that it lists for the Respondent (Somewhere in New York London), as well as numerous typographical and grammatical errors throughout.

The Panel also accepts the Complainant's unchallenged assertions that the Respondent's website bears many hallmarks of fraudulent activity, designed to deceive Internet users into believing that the Respondent is associated with the Complainant and that it offers financial services, thus potentially leading the deceived users to send money or provide sensitive personal or financial information to the Respondent. The use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

In addition, the composition of the disputed domain name, namely the addition of the term "resources" to the mark, which is among others a term used in the mining industry in which the Complainant operates, as well as Novagold Resources being the full business name of the Complainant is in view of Panel supports the finding of the risk of implied affiliation of the disputed domain name with the Complainant and thus cannot confer any rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds that 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.

In the present case, the Panel notes that the Complainant's NOVAGOLD trademark is inherently distinctive and that a basic Google search for the disputed domain name returns solely links referencing the Complainant and its business.

Due to the Respondent's default and absent any explanation by the Respondent to the contrary the Panel is of the view in the circumstances of this case that the Respondent must have had the Complainant's business and trademark in mind at the time of registration of the disputed domain name and obtained it to target the Complainant and its reputed trademark through false association, which is evidence of bad faith. Paragraph 4(b)(iv) of the Policy.

The Panel is also convinced that the Respondent's website, as detailed above, is designed to mislead Internet users looking for the Complainant and deceive them into providing sensitive personal or financial information and/or engaging in dubious monetary transactions with the Respondent. Use of a domain name for phishing or attempting to commit financial fraud is clear evidence of bad faith registration and use under the Policy. [WIPO Overview 3.0](#), section 3.4.

Also, the Respondent clearly provided false contact information at registration. The telephone number given to the Registrar cannot be a Mansfield, Texas listing because the area code 740 is located in southeastern Ohio. This provision of false contact information the Panel views as another indication of the Respondent's bad faith. [WIPO Overview 3.0](#), section 3.6.

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 <novagoldresources.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: November 21, 2025