ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Atlantic Coast Conference v. Aimee Rossi, Galaxy Media Partners
Case No. D2025-5158

1. The Parties

Complainant is Atlantic Coast Conference, United States of America ("United States"), represented by Fox Rothschild LLP, United States.

Respondent is Aimee Rossi, Galaxy Media Partners, United States.

2. The Domain Name and Registrar

The disputed domain name <accmensbasketballflyaway.com> is registered with Squarespace Domains LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 11, 2025. On December 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 12, 2026, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 Respondent of the Complaint, and the proceedings commenced on December 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 4, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on January 6, 2026.

The Center appointed Scott R. Austin as the sole panelist in this matter on January 16, 2026. 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

Without contest by Respondent, Complainant asserts in its Complaint, and its Annexes attached provide evidence sufficient to support that:

Founded in 1953, Complainant, the Atlantic Coast Conference, a North Carolina Unincorporated Association, is and intercollegiate sports conference that has grown from seven charter members to 18 member institutions and remains one of the most respected and competitive intercollegiate conference in the United States, providing intercollegiate athletic entertainment services and related sports equipment and merchandising products under the trademarks ACC (the "ACC Marks").

Complainant holds trademark registrations for the ACC Marks in the United States used in connection with Complainant's intercollegiate sporting event services and related products, including:

1. United States Registration No. 1619862, ACC, registered on October 30, 1990, for "publications, namely, programs and magazines relating to collegiate sports" in International Class 16, and claiming a first use date of August 7, 1989.

2. United States Registration No. 1620068, ACC, registered on October 30, 1990, for "clothing, namely, shirts, caps and jackets" in International Class 25, and claiming a first use date of September 15, 1989.

3. United States Registration No. 1853717, ACC, registered on September 13, 1994, for "sporting goods; namely, golf balls, basketballs and footballs" in International Class 28, and claiming a first use date of January 1, 1988.

4. United States Registration No. 5524503, ACC, registered on July 24, 2018, for a range of sports related goods and services, including, "Entertainment in the nature of intercollegiate sporting events" in International Class 41, and claiming a first use date of Oct. 31, 2014.

Complainant has also registered a number of domain names that incorporate the ACC Mark, including <theacc.com>, created on October 8, 1996, and used to access Complainant's official ACC Mark website at "www.theacc.com" (the "Official ACC Website") which Complainant uses to promote the sporting events and schedules of its member schools under the ACC Marks.

The disputed domain name was created on October 10, 2025, and as of the date of the filing of the Complaint, resolved to a website advertising a game of chance to win tickets to Complainant's well-known "ACC" basketball tournament under the ACC Mark and includes Complainant's exact ACC trademark in the disputed domain name and references Complainant's ACC trademark in the top banner of the website ("Respondent's Website"). Respondent's Website superficially offers a game of chance to win tickets to Complainant's "ACC" basketball tournament under the ACC Mark by submitting the Internet user's name, email address and phone number information and also flight and hotel accommodations and appears to be using Respondent's Website in furtherance of an illegal phishing scheme to collect Internet users' personal information.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Complainant contends that the disputed domain name is identical or confusingly similar to Complainant's trademark.

Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name because Respondent has no commercial relationship with Complainant or license to use the disputed domain name or ACC Marks, is not commonly known by the disputed domain name or the ACC Marks and Respondent currently uses the disputed domain name to redirect Internet users to a website used for illegitimate purposes to impersonate Complainant and/or redirect Internet users to Respondent's website for Respondent's commercial gain.

Finally, Complainant contends that the disputed domain name was registered and is being used in bad faith based on the unauthorized use of Complainant's widely recognized and well-known ACC Marks in the disputed domain name in order to attract Internet users to Respondent's website by creating a likelihood of confusion with Complainant and its ACC Marks as to the source, sponsorship, affiliation, or endorsement of Respondent's Website and its purported championship game prize contest. Further, Respondent has added "mensbasketballflyaway" to amplify this false association with Complainant, and to fraudulently imply that Respondent and its game of chance to win tickets, plane fare and accommodations to an ACC conference championship game, is affiliated with Complainant and its intercollegiate sporting event services. Combining Respondent's configuration of its disputed domain name using the ACC Mark in its entirety to imply affiliation with Complainant to pursue the illegitimate purposes for which the disputed domain name has been used as listed in Section 6 below is sufficient to show bad faith registration and use under the Policy.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15 of the Rules provides that the Panel is to reach its decision on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The onus is on Complainant to make out its case, and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer a domain name. As the proceedings are administrative, the standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.2.

Thus, for Complainant to succeed, it must prove within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

1. the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
2. Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. the disputed domain name has been registered and is being used in bad faith.

The Panel finds that Complainant has met its burden in all three elements of the Policy and will deal with each of these elements in more detail below.

A. Identical or Confusingly Similar

To prove this element, Complainant must first establish that there is a trademark or service mark in which it has rights. Ownership of a nationally registered trademark constitutes prima facie evidence that the complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy.

WIPO Overview 3.0, section 1.2.1. It is evident that Complainant possesses widely recognized rights in the ACC Marks. Complainant has been utilizing the ACC Marks since 1990, promoting its intercollegiate sporting events through a range of online publications, entertainment services and sporting goods products. The ACC Marks, in continuous use for decades, are protected by common law rights and statutory United States trademark registrations, thereby solidifying Complainant's exclusive rights. Sufficient evidence has been submitted in the form of electronic copies of valid and subsisting national trademark registration documents in the name of Complainant and therefore, Complainant has demonstrated it has rights in the ACC Marks *.Id.*; see *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. D2014-0657.

With Complainant's rights in the ACC Marks established, the remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to Complainant's ACC Marks. It is well accepted that the first element functions primarily as a standing requirement and that the 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.

A side-by-side comparison between the ACC Mark and the disputed domain name shows that the disputed domain name incorporates Complainant's ACC Mark in its entirety and appends the trailing terms "mensbasketballflyaway" followed by the generic Top-Level Domain ("gTLD") ".com". Prior UDRP panels have held that a domain name which wholly incorporates a complainant's registered mark is sufficient to establish identity or confusing similarity for purposes of the Policy despite the addition of other words to such encompassed marks. WIPO Overview 3.0, section 1.8 ("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"); see also, *BNP Paribas v. Ronan Laster*, WIPO Case No. D2017-2167; *WhatsApp Inc. v. Moose Scheib,* WIPO Case No. D2019-0541; *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903.

While Respondent's creation of the disputed domain name by appending the terms describing Respondent's game of chance to win tickets to Complainant's tournament using the ACC Mark in its entirety as used by Complainant for Complainant's intercollegiate sporting event services, may bear on assessment of the second and third elements, the Panel finds the addition of such terms within the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and Complainant's ACC Mark for the purposes of the first element of the Policy. Some UDRP panels have also used the addition of a term specific to a complainant's services or industry as a specific basis for finding confusing similarity. See, *e.g.*, *Diageo Brands B.V., Diageo North America, Inc. and United Distillers Manufacturing, Inc. v. iVodka.com a.k.a. Alec Bargman,* WIPO Case No. D2004-0627; *Gold Toe Brands Inc. v. Richard Jones*, WIPO Case No. D2004-0923.

The addition of the generic Top-Level Domain ("gTLD") ".com" is irrelevant in determining whether the disputed domain name is confusingly similar. WIPO Overview 3.0, section 1.11.1. See, *Research in Motion Limited v. thamer Ahmed Alfarshooti*, WIPO Case No. D2012-1146; see also *Cube Limited v. Super Privacy Service, c/o Dynadot,* WIPO Case No. D2015-1325.

Based on the above, the Panel finds that the added terms "mensbasketballflyaway" does not prevent a finding of confusing similarity between the disputed domain name and Complainant's ACC Mark. Complainant's widely recognized ACC Mark remains fully recognizable as incorporated in its entirety into the disputed domain name. The result is consistent with previous UDRP decisions, where additions to a well-known trademark have not been deemed sufficient to avoid confusing similarity. See, e.g., *Meta Platforms, Inc. et al. v. Abuz Hamal et al.,* WIPO Case No. D2022-0212; and *PrivacyGuardian.org / NameSilo, LLC, Expired Domain,* WIPO Case No. D2021-4258; see also *Oki Data Ams., Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903.

Accordingly, the Panel finds the disputed domain name is confusingly similar to the ACC Marks in which Complainant has rights. Complainant has satisfied its burden under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under the second element of the Policy, Complainant has to make out a prima facie case that the respondent does not have rights to or legitimate interests in the disputed domain name, and if successful the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights to or legitimate interests in the disputed domain name. If the respondent fails to come forward with such evidence, a complainant may be deemed to have satisfied the second element. WIPO Overview 3.0, section 2.1. See also *The American Automobile Association, Inc. v. Privacy--Protect.org et al.*, WIPO Case No. D2011-2069.

Paragraph 4(a)(ii) of the Policy also directs an examination of the facts to determine whether a respondent has rights or legitimate interests in a domain name. Paragraph 4(c) lists a number of ways in which a respondent may demonstrate that it does have such rights or legitimate interests.

The first example, under paragraph 4(c)(i), is where "before any notice to you of the dispute, your 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".

Here, the annexes to the Complaint show that at the time of the filing of the complaint, Respondent's Website was configured by Respondent to pass itself off as a game of chance website sponsored or endorsed by Complainant through incorporating Complainant's ACC Mark into its disputed domain name. Complainant contends Respondent created such configuration to capitalize on Complainant's established goodwill and brand recognition, as an apparent "bait and switch", luring consumers with the famous ACC Mark to Respondent's Website but then offering Respondent's game of chance to win tickets and travel accommodations to an ACC men's basketball tournament which game of chance has no connection with Complainant or its Mark whatsoever, to generate revenues from the revenue generated through Respondent's contest or from the information obtained from Internet users entering the game of chance at Respondent's Website for Respondent's commercial benefit. Complainant contends that Respondent furthers the false association with Complainant by displaying "ACC TRADE" using Complainant's stylized font in its design mark as well as other clearly infringing content on Respondent's Website.

Prior UDRP panels have held that the use of a domain name to confuse and attract Internet users through misuse of a well-known trademark, and the provision of content which promotes goods and services impersonating or competitive to Complainant cannot be considered use in connection with a bona fide offering of goods or services under Paragraph 4(c)(i). See e.g., *The Clorox Company v. WhoisGuard Protected, WhoisGuard, Inc. / Enos Villanueva, Melissa Rosenberg, Yang Ming*, WIPO Case No. D2021-0603 and *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903.

Prior UDRP panels have also held that the use of a domain name for illegal activity involving impersonation and fraud (e.g., impersonation/passing off, phishing, unauthorized account access/hacking, or other types of fraud) can never confer rights or legitimate interests on a respondent. See WIPO Overview 3.0, section 2.13. See also, *Springer Nature Limited v. Registration Private, Domains By Proxy, LLC / Collections Springer Nature,* WIPO Case No. D2020-0955.

Applying the foregoing decision to these facts this Panel finds the disputed domain name is not being used in connection with a bona fide offering of goods or services sufficient to demonstrate Respondent has any rights or legitimate interests in the disputed domain name under the factors specified by paragraph 4(c)(i) of the Policy.

The second example, under paragraph 4(c)(ii), is a scenario in which a respondent is commonly known by the disputed domain name. Complainant states that it operates online payment processing and related online financial services but has no connection to blockchain or cryptocurrency trading (the subject of Respondent's Website accessed through the disputed domain name). Complainant and Respondent, therefore, have no commercial relationship. Neither has Complainant granted Respondent any license or authorization to use the ACC Marks for any purpose, including as a domain name. Prior UDRP panels have

found a lack of rights or legitimate interests under the second element of the Policy based on such circumstances. See, e.g., *Charles Schwab & Co., Inc. v. Josh Decker d/b/a I GOT YOUR TIX*, WIPO Case No. D2005-0179; *Guerlain S.A. v. H I Investments*, WIPO Case No. D2000-0494.

Complainant also shows that Respondent is not commonly known by the disputed domain name because the original Respondent listed in the WhoIs record submitted with the initial Complaint displayed "REDACTED FOR PRIVACY, Galaxy Media Partners". The Registrar identified the underlying registrant in its verification process, "Aimee Rossi, Galaxy Media Partners" of the United States. Respondent's name bears no resemblance to the disputed domain name whatsoever. Thus, there is no evidence in this case to suggest that Respondent is commonly known by the disputed domain name, that it is licensed or otherwise authorized to use Complainant's trademark, or that it has acquired any trademark rights relevant thereto. As such, the Panel finds this sub-section of the Policy is of no help to Respondent and the facts presented here support a lack of rights or legitimate interests in the disputed domain name. See *Expedia, Inc. v. Dot Liban, Hanna El Hinn*, WIPO Case No. D2002-0433.

Finally, given Complainant's illegitimate use of the disputed domain name to create confusion with the well-known ACC Mark to pass itself off as Complainant for Respondent's commercial benefit, Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, and therefore cannot benefit from subsection Paragraph 4(c)(iii).

In light of the above, and with no Response or other submission in this case to rebut Complainant's assertions and evidence, the Panel finds that the facts of this case demonstrate that Respondent has no rights or legitimate interests in the disputed domain name. Complainant has successfully met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Finally, Complainant must prove, by a preponderance of the evidence, that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. See, *e.g.*, *Hallmark Licensing, LLC v. EWebMall, Inc.*, WIPO Case No. D2015-2202.

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that point to bad faith conduct on the part of a respondent. The panel may, however, consider the totality of the circumstances when analyzing bad faith under Policy, paragraph 4(a)(iii) and may make a finding of bad faith that is not limited to the enumerated factors in Policy, paragraph 4(b). See *Do the Hustle, LLC v. Tropic Web*, WIPO Case No. D2000-0624.

Complainant contends that its ACC Marks are well-known in the industry and to the general public given their longevity of use and national market presence, especially in the United States where Respondent is located. The fact the disputed domain name incorporates the ACC Mark in its entirety, shows Respondent's actual knowledge of the ACC Mark. The Panel notes that the evidence submitted in the annexes to the Complaint show the ACC Marks have been in use for intercollegiate sporting events and related sporting goods and products for over 30 years dating back to as early as1988 and registered in the United States decades before Respondent registered the disputed domain name. Complainant also registered its official <theacc.com> domain name used to access its Official ACC Website in 1988. Prior UDRP panels have found that where, as here, it would be implausible to believe that Respondent selected and was using the disputed domain name for any other purpose than to target Complainant's mark and trade on Complainant's trademark rights and reputation, Respondent was disrupting Complainant's business by diverting business and prospective business away from Complainant and its goods and services. Such activity in opposition to Complainant and disruptive to Complainant's business establishes a fact pattern that repeatedly has been held to constitute bad faith registration and use under paragraph 4(b)(iii) of the Policy. See *Galderma Holding S.A. v. Withheld for Privacy Purposes Privacy service provided by Withheld for Privacy ehf / Yves Aya,* WIPO Case No. D2021-0981; see also *Philip Morris Products S.A. v. Rich Ardtea,* WIPO Case No. D2020-0528.

Complainant further argues the addition of “mensbasketballflyaway” Respondent intended to falsely imply that Complainant has endorsed, or is otherwise affiliated with, Respondent’s services, and to otherwise divert traffic from Complainant’s website at “theacc.com”. The “industry specific” terms for Complainant “mensbasketball” aids in creating confusion because it refers to a sporting event which Complainant includes in its annual bowl games and tournaments.

The facts here shows, therefore. Respondent targeted Complainant and its ACC Mark in selecting the term “mensbasketballflyaway” because the term “mensbasketballflyaway” is associated with intercollegiate sports events such as the one offered in the game of chance on Respondent’s Website. These circumstances support a finding of bad faith registration, because the Panel may reasonably conclude that Respondent employs the term “mensbasketballflyaway” to aid in creating consumer confusion allowing Respondent to impersonate Complainant and falsely associate its ACC men’s basketball sporting event to be won by entering the game of chance offered on Respondent’s Website.

Prior UDRP panels have held that a respondent’s selection of a disputed domain name that comprises a complainant’s mark in its entirety demonstrates a respondent’s actual knowledge to support a finding of bad faith in registering and using the disputed domain name. See, *e.g.*, *Lloyds Bank Plc v. Marc Wiese*, WIPO Case No. D2015-0914; see also, *Heineken Brouwerijen B.V. v Mark Lott*, WIPO Case No. D2000-1487. Moreover, UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See WIPO Overview 3.0, section 3.1.4.

Finally, as noted above, Respondent has intentionally configured the disputed domain name to enhance confusing similarity to Complainant’s ACC Mark by adding the term “mensbasketballflyaway” to the ACC Mark and using the ACC Mark on Respondent’s Website to create a false association to direct or redirect Internet users to Respondent’s Website purportedly offering tickets and travel to an ACC sponsored basketball tournament. These facts are sufficient for the Panel to fine that Respondent abused Complainant’s ACC Mark by incorporating it into the disputed domain name to create a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of Respondent’s Website and to intentionally attract Internet users to it for Respondent’s own commercial gain and, therefore, registered and used the disputed domain name in bad faith in violation of paragraph 4(b)(iv) of the Policy. See, *e.g., AXA SA v. Yang Ji Feng* WIPO Case No. D2017-1299; *Royal Bank of Canada v. China Capital Investment Limited,* WIPO Case No. D2017-1025; and *Travelscape, LLC v. WhoisGuard Protected, WhoisGuard, Inc. / Irwin Periola,* WIPO Case No. D2020-2741.

The Panel finds Complainant’s arguments and evidence persuasive and has received no arguments or evidence from Respondent to the contrary. Considering all the circumstances, the Panel concludes that Respondent has registered and used the disputed domain name in bad faith and Complainant has satisfied paragraph 4(a)(iii) 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 <accmensbasketballflyaway.com> be transferred to Complainant.

/Scott R. Austin/
Scott R. Austin
Sole Panelist
Date January 30, 2026