

ADMINISTRATIVE PANEL DECISION

New Heights Holdco LLC v. usama sajjad

Case No. D2025-5393

1. The Parties

The Complainant is New Heights Holdco LLC, United States of America (“U.S.”), represented by Ballard Spahr, LLP, United States of America.

The Respondent is usama sajjad, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <newheightsmerch.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 December 23, 2025. On December 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 24, 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 January 5, 2026, 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 January 22, 2026.

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”).

The Respondent sent email communications to the Center on January 22, 2026. The proceedings were suspended between January 28, 2026, and February 2, 2026. In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2026. The Respondent did not submit any formal response. Accordingly, the Center notified the commencement of panel appointment process on February 24, 2026.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on March 3, 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

The Complainant owns intellectual property rights in the trademark NEW HEIGHTS. The Complainant is co-owned by brothers Jason Kelce and Travis Kelce, who have hosted the “New Heights with Jason & Travis Kelce” podcast since September 2022. The Kelce brothers are well-known professional American football players in the National Football League (“NFL”). The NEW HEIGHTS podcast is a weekly sports podcast that derives its name from Cleveland Heights, Ohio, United States of America, the hometown where Jason Kelce and Travis Kelce were raised. In episodes of the New Heights podcast, the Kelce brothers share stories of growing up in Cleveland Heights, and discuss American football insights, NFL news, pop culture, and related issues.

Within six weeks of the NEW HEIGHTS podcast’s September 8, 2022 launch, it became the No. 1 sports-related podcast on Spotify. Since then, the New Heights podcast remains among the most popular podcasts, ranking consistently near the top of both Apple’s and Spotify’s podcast charts. The podcast has earned hundreds of thousands of subscribers and social followers, and hundreds of millions of social media views. Before the Respondent registered the disputed domain name, the Complainant’s New Heights podcast had viewership in the millions as judged from YouTube views during livestreams of the podcast episodes, including episodes on December 1, 2022 (6 million viewers), April 12, 2023 (3.5 million viewers), February 6, 2023 (3.7 million viewers), May 10, 2023 (3.2 million viewers), and July 29, 2023 (5.1 million viewers). On September 6, 2023, shortly before the Respondent registered the disputed domain name, the viewership of the podcast had reached 8.6 million viewers. The Complainant’s New Heights podcast continues to draw millions of viewers, listeners, and followers. The Complainant’s New Heights Instagram page has 3.5 million followers, and the Complainant’s New Heights Facebook page has 2.1 million followers.

In December 2022, the Complainant’s authorized licensee Homage began offering New Heights branded merchandise for sale, including shirts and sweatshirts. Within weeks, sales of merchandise totaled six figures of revenue. The Complainant’s New Heights branded merchandise has repeatedly sold out despite multiple restocks.

The Complainant owns federal U.S. trademark registration No. 7,732,139 for the NEW HEIGHTS mark, filed on December 21, 2023, and registered on March 18, 2025, with a first use in commerce date of September 2022, in connection with “Entertainment services, namely, live appearances by a sports celebrity; Entertainment services, namely, providing podcasts in the field of sports; Entertainment, namely, a continuing sports show broadcast over television, satellite, audio, and video media” in Class 41.

The Complainant promotes the New Heights podcast and NEW HEIGHTS-branded merchandise on a website at “www.newheightshow.com”. The Complainant’s website features prominent use of green color elements and the NEW HEIGHTS mark and logo, along with photographs of the Kelce brothers.

The Respondent registered the disputed domain name on September 26, 2023, and since that time has operated a website configured as an online retail store, offering clothing and other merchandise branded with the NEW HEIGHTS trademark, with images of the Kelce brothers, and website design elements prominently featuring the color green. Photographs of individual items (such as graphic t-shirts) which appear on the Complainant’s website, have been reproduced and used on the Respondent’s website. The Complainant’s agents made test purchases from the Respondent’s website, and provided evidence that the garments were counterfeit.

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 Respondent is using the disputed domain name to host a copycat website designed to deceive users and promote the sale of counterfeit apparel, bearing the NEW HEIGHTS-branding. The Complainant has provided extensive evidence of common-law rights in the NEW HEIGHTS mark, based on massive promotion and exposure of its popular podcast, and related social media postings, since September 2022. The Complainant urges the Panel to find deliberate targeting of the well-known mark for improper purposes.

B. Respondent

The Respondent did not reply to the Complainant's contentions but sent email communications to the Center on January 22, 2026, confirming its cooperation and consent to the transfer of the disputed domain name to the Complainant.

6. Discussion and Findings

A. Preliminary matters

Following the Respondent's email communication of January 22, 2026, the proceedings were suspended. On February 2, 2026, the Complainant sent an email to the Center requesting that the proceedings be reinstated due to the Respondent's lack of cooperation. In light of these circumstances, as well as the evidenced use of the disputed domain name, the Panel will render its decision based on the merits of the case.

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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.

B. 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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

Moreover, in light of the factors set out below, the Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3. In particular, the Panel acknowledges that significant reputation and goodwill in the NEW HEIGHTS common law mark have been created by virtue of its well-established online presence, featuring highly popular podcasts watched by millions of viewers, along with social media platforms that also reflect millions of

followers. The NEW HEIGHTS mark has clearly acquired secondary meaning, as evidenced by the documentary records produced by the Complainant to substantiate its online presence and levels of activity. In summary, the Complainant's evidence is voluminous, cogent, and clearly probative of reputation and goodwill sufficient to constitute enforceable common law rights.

The entirety of the NEW HEIGHTS mark is reproduced within the disputed domain name and the Panel finds the mark 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 3.1](#), section 1.7.

Although the addition of other terms, here, "merch", 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 3.1](#), section 1.8.

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

C. 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 that 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 3.1](#), 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. In particular, the Respondent is not making a legitimate, noncommercial or fair use of the disputed domain name without intent for commercial gain. Instead, as described above, the Respondent is using the disputed domain name to deceive third parties, by hosting a website using the Complainant's trademark, logos, and branding, where it offers for sale counterfeit products. The record shows the disputed domain name and the associated website are configured to make consumers believe they are visiting the Complainant's legitimate or "official" online store, an impression which is reinforced by the repeated use of the term "official" by the Respondent.

Panels have also held that the use of a domain name for illegitimate activity, here, claimed sale of counterfeit goods, copycat sites, and passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Respondent has not rebutted the Complainant's prima facie showing of targeted impersonation 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 finds the second element of the Policy has been established.

D. 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 finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, which constitutes bad faith use and registration under paragraph 4(b)(iv) of the Policy. The Panel notes that the evidence supporting a finding of Complainant's unregistered trademark rights (discussed above) clearly demonstrates that the source-identifying nature and secondary meaning of the Complainant's NEW HEIGHTS mark was already well established prior to the registration date of the disputed domain name in 2023. Further, the Complainant has provided persuasive evidence of bad faith misconduct in the form of pages from the Respondent's website associated with the disputed domain name. In particular this evidence shows that the Respondent has targeted the Complainant by adopting and prominently using the NEW HEIGHTS trademark as a principal identifier on its website in multiple locations. In addition, the website design elements prominently feature the color green and content copied from the Complainant's materials, all of which confirms the Respondent's full awareness of the Complainant's trademark rights and a deliberate intention to deceive consumers, by creating the false impression that the website is operated or endorsed by the Complainant. It is made even more egregious by the Respondent's practice of repeatedly calling itself the "Official" website for New Heights products, when it is selling counterfeits.

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 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity, here, claimed sale of counterfeit goods, copycat sites, and passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <newheightsmerch.com> be transferred to the Complainant.

/Christopher J. Pibus/

Christopher J. Pibus

Sole Panelist

Date: March 18, 2026