ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

# ADMINISTRATIVE PANEL DECISION
Clemson University v. Dynadot Privacy Service, Dynadot, LLC
Case No. D2026-2073

## 1. The Parties

The Complainant is Clemson University, United States of America ("United States"), represented by Nelson Mullins Riley & Scarborough, LLP, United States.

The Respondent is Dynadot Privacy Service, Dynadot, LLC, United States.

## 2. The Domain Name and Registrar

The disputed domain name <clemsonathleticventures.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 13, 2026. On May 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 16, 2026, 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 / Redacted for Privacy / The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 20, 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 May 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").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 23, 2026.

The Center appointed Gary Saposnik as the sole panelist in this matter on June 25, 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

Founded in 1889, the Complainant is a public, coeducational, land-grant research university in the state of South Carolina, United States, and is a science and engineering-oriented college dedicated to teaching, research, and service. Clemson Athletic Ventures is an affiliated entity of the Complainant and was formed in August 2022 to operate the Complainant's multimedia rights and sponsorship program as an independent, nonprofit operator. Since at least as early as 1899 and 1896, the Complainant has used the CLEMSON and CLEMSON TIGERS trademarks in connection with the Complainant's educational services and athletic programs, respectively.

The Complainant is the owner of the following trademark registrations:

- CLEMSON, United States Reg. No. 1298366, registered on October 2, 1984, in classes 6, 9, 16,18, 20, 21, 24, 25, 26, 28, 38, and 41;
- CLEMSON (figurative), United States Reg. No. 1314302, registered on January 15, 1985, in classes 6, 16, 18, 21, and 25;
- CLEMSON TIGERS, United States Reg. No. 1310951, registered on December 25, 1984, in classes 11, 16, 18, 20, 21, 24, and 25.

In addition to the above registrations, the Complainant has a pending service mark application for CLEMSON ATHLETIC VENTURES, United States Serial No. 99737626, applied for on April 1, 2026, in classes 35 and 41.

The Respondent registered the disputed domain name on April 1, 2026. The disputed domain name redirects to an Atom.com landing page offering the disputed domain name for sale for USD 1,999.

## 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 its CLEMSON mark. The disputed domain name wholly incorporates the Complainant's trademark, with the additional terms of "athletic" and "ventures", which are terms directly related to the Complainant's products and services, as well as identical to the Complainant's applied for CLEMSON ATHLETIC VENTURES mark. The addition of these words does not prevent the finding of confusing similarity between the disputed domain name and the Complainant's marks.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name. Furthermore, the Complainant has not authorized the Respondent to use the CLEMSON mark or any marks owned by the Complainant, nor is the Respondent a licensee of the Complainant's marks. The Respondent will be unable to show any bona fide use of the disputed domain name or that it has engaged in any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. Since registering the disputed domain name, the Respondent has only ever used it to resolve to the website where the Respondent is offering to sell the disputed domain name. Such use represents nothing more than opportunistic targeting and exploitation of the Complainant's CLEMSON mark for the

Respondent's own gain. The Respondent's sole intent in registering the disputed domain name appears to have been to capitalize on the goodwill and notoriety associated with the Complainant's CLEMSON mark and the Complainant's recently filed application to register the CLEMSON ATHLETIC VENTURES mark in order to attract Internet users or the Complainant to the website to purchase the disputed domain name from the Respondent for the Respondent's own financial gain, at the expense of the Complainant and harm to the Complainant's trademark rights.

Panels have previously found a lack of rights or legitimate interests in situations where a respondent's opportunistic registration of the domain name was within days of the filing of an intent to use application by the complainant and redirected the domain name to a resale/auction site. See *Teva Pharmaceuticals USA, Inc v. Super Privacy Service LTD c/o Dynadot*, WIPO Case No. D2020-0573; *Volkswagen Group of America, Inc. v. Super Privacy Service Ltd. c/o Dynadot*, WIPO Case No. D2019-2521.

Lastly, the Complainant avers that the Respondent registered and is using the disputed domain name in bad faith. The Respondent knew or should have known of the Complainant's trademark rights and nevertheless registered a domain name in which they had no right or legitimate interest. The Respondent registered the disputed domain name on the same day that the Complainant submitted its application for the CLEMSON ATHLETIC VENTURES mark, a timing that supports the inference that the Respondent was aware of the Complainant and the Complainant's CLEMSON mark at the time the Respondent registered the disputed domain name. Based on the timing of the registration of the disputed domain name, the Respondent cannot legitimately claim that it did not know about the Complainant's rights in the CLEMSON mark.

The CLEMSON mark is highly distinctive and has been in continuous use by the Complainant since 1889. The disputed domain name creates a false impression of association with the Complainant by incorporating the CLEMSON mark and adopting a domain name identical to an affiliate of the Complainant. Additionally, evidence of bad faith is when the Respondent registered the disputed 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 to a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name.

**B. Respondent**

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

**6. Discussion and Findings**

**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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of the CLEMSON trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the CLEMSON mark is reproduced 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, "athletic" and "ventures", may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

**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 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. 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 commonly known by the disputed domain name. Rather, the Respondent used a privacy service, over and above the Registrar's default of privacy protection, in an apparent attempt to shield its identity. Furthermore, the Complainant has not authorized the Respondent to use the CLEMSON mark or any marks owned by the Complainant, nor is the Respondent a licensee of the Complainant's marks. The Respondent has not appeared or responded to the Complainant's contentions, and has failed to come forward with evidence showing rights or legitimate interests.

The Complainant filed an application to register the mark "CLEMSON ATHLETIC VENTURES" on April 1, 2026, and the Respondent registered the disputed domain name of the exact same phrase on the same day. The Respondent then started to offer it for sale for USD 1,999 on the domain name marketplace Atom.com. The Respondent was intending to capitalize and profit on the Complainant's recently filed application for the CLEMSON ATHLETIC VENTURES mark, which includes the "CLEMSON" name, a well-known mark in its own right. Panels have previously found a lack of rights or legitimate interests in similar situations where a respondent's opportunistic registration of the domain name is within days of the filing of an intent to use application by the complainant and redirected the domain name to a resale or auction site. See *Teva Pharmaceuticals USA, Inc v. Super Privacy Service LTD c/o Dynadot,* WIPO Case No. D2020-0573; *Volkswagen Group of America, Inc. v. Super Privacy Service Ltd. c/o Dynadot,* WIPO Case No. D2019-2521.

Furthermore, UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See WIPO Overview 3.1, section 2.5.1. Although the CLEMSON ATHLETIC VENTURES mark is the subject of a pending application, the Complainant has well-established trademark rights in CLEMSON. The additional terms "athletic ventures" in the disputed domain name are the same as those used in the name of the Complainant's affiliate. Such composition therefore effectively impersonates or suggests sponsorship or endorsement by the Complainant, when none exists.

The Panel finds 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 Respondent registered the disputed domain name decades after the Complainant attained trademark rights in its well-known CLEMSON mark, and on the same day as the Complainant's application for trademark rights in CLEMSON ATHLETIC VENTURES, which is the name of the Complainant's affiliate, and an exact match for the disputed domain name. The Respondent shielded its name through the use of a privacy service beyond the Registrar's default privacy. The Respondent then used the disputed domain name to offer it for sale for USD 1,999 on an auction platform at Atom.com.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a well-known trademark, as in the current case, can by itself create a presumption of bad faith. Such conduct supports the inference that the Respondent has intentionally attempted to attract for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. See WIPO Overview 3.1, section 3.1.4.

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.

These factors include the nature of the domain name (as described above), the timing of the registration (on the same day that the Complainant applied for a trademark registration), a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name, or other indicia generally suggesting that the respondent had somehow targeted the complainant. Panels have found that paragraph 4(b)(iv) of the Policy, read in light of paragraph 4(a)(ii), can support an inference of bad faith registration for the respondent to rebut. Such an inference would be supported by a clear absence of the respondent's own rights or legitimate interests, the nature of the domain name itself (i.e., the manner in which the domain name incorporates the complainant's mark), the use of a privacy shield to hide the registrant's identity, and the failure to submit a response. WIPO Overview 3.1, section 3.2.1. As discussed above, all of these factors are present in the current case and support a finding of bad faith registration and use by the Respondent.

Panels additionally view the provision of an additional "Russian doll" privacy or proxy service, as used by the Respondent, as an indication of bad faith. WIPO Overview 3.1, section 3.6.

Besides taking advantage of the Complainant's trademark rights in CLEMSON, it is clear that the timing of the Respondent's registration of the disputed domain name on the same day as the Complainant's trademark application was intended to unfairly capitalize on the Complainant's nascent trademark rights in CLEMSON ATHLETIC VENTURES. The Panel finds that such registration by the Respondent was made in bad faith. See WIPO Overview 3.1, section 3.8.2; *Teva Pharmaceuticals USA, Inc v. Super Privacy Service LTD c/o Dynadot*, WIPO Case No. D2020-0573; *Volkswagen Group of America, Inc. v. Super Privacy Service Ltd. c/o Dynadot*, WIPO Case No. D2019-2521.

Based on the totality of the evidence presented, 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 <clemsonathleticventures.com> be transferred to the Complainant.

*/Gary Saposnik/*
**Gary Saposnik**
Sole Panelist
Date: July 9, 2026