

ADMINISTRATIVE PANEL DECISION

Blackbaud, Inc. v. Sugarcane Internet Nigeria Limited
Case No. D2022-0860

1. The Parties

The Complainant is Blackbaud, Inc., United States of America (“United States”), represented by Soteria LLC, United States.

The Respondent is Sugarcane Internet Nigeria Limited, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <uncgacademicworks.com> is registered with Cosmotown, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2022. On March 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 16, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 16, 2022, 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 March 16, 2022.

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 March 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2022. Automatic replies were received from the Respondent’s email address on March 21, 2022, but the Respondent did not submit any formal response. The Center informed the Parties of the Commencement of Panel Appointment Process on April 12, 2022.

The Center appointed Steven A. Maier as the sole panelist in this matter on April 27, 2022. 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 is a corporation headquartered in South Carolina, United States. It is a provider of cloud computing services.

In April 2017, the Complainant acquired the whole of the outstanding share capital of a Texas, United States corporation named AcademicWorks, Inc. That company was, and remains, the owner of United States trademark registration number 4287823 for the word mark ACADEMICWORKS, registered on February 12, 2013 in International Class 42.

The disputed domain name was registered on February 22, 2022.

The Complainant has provided evidence that, on a date unknown, the disputed domain name resolved to a parking page website including links to education-related services.

5. Parties' Contentions

A. Complainant

The Complainant submits that its trademark ACADEMICWORKS is used in connection with scholarship process and award management solutions and has been adopted by numerous educational institutions across the United States. It states that it operates a website at "www.academicworks.com".

The Complainant submits that the disputed domain name is confusingly similar to a trademark in which it has rights. It states that the disputed domain name incorporates the whole of its registered trademark ACADEMICWORKS.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has not permitted the Respondent to use its ACADEMICWORKS trademark, that the Respondent is not known by that name and that the Respondent is not making any *bona fide* commercial use of the disputed domain name.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. However, it states that it has no concrete evidence of the Respondent's intentions.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

A. Identical or Confusingly Similar

The Panel accepts that, as the parent company of AcademicWorks Inc., the Complainant has rights in the registered trademark ACADEMICWORKS referred to above. The disputed domain name wholly incorporates that trademark, preceded by the letters “uncg”, which do not prevent the Complainant’s trademark from being recognizable within the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant’s submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file any Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Respondent has not denied that it registered the disputed domain name in the knowledge of, and with reference to, the Complainant’s trademark ACADEMICWORKS. While this is insufficient of itself to establish registration and use in bad faith, the Panel notes that there is no evidence of the Respondent having any legitimate connection with the disputed domain name and that the disputed domain name appears to have been used for the purposes of a “pay per click” website from which the Respondent may be presumed to derive revenues. The Respondent has failed to offer any explanation of why Internet users might seek to access that website otherwise than owing to an association between the disputed domain name and the Complainant’s trademark.

The Panel infers in the circumstances, on the balance of probabilities, that 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 Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

In addition, the Panel notes, from its own enquiry, that a Google search of “uncg academicworks” includes in its first results “uncg.academicworks.com”, which appears to be a subdomain connected to the Complainant’s domain name <academicworks.com>. Noting this factor, the Panel finds it more likely than not that the Respondent has targeted the Complainant and its subdomain for the probable purpose of taking an unfair advantage due to their similarity, which affirms the Panel’s finding of bad faith.

The Panel also notes, from its own enquiry, that the Respondent in this case has been the respondent in 17 previous proceedings under the UDRP, all of which resulted in findings that the Respondent had registered and used the relevant domain names in bad faith. While the present proceeding turns on its own merits, the Panel nevertheless finds that the Respondent has engaged in a pattern of trademark-abusive domain name registrations, which supports the inferences of registration and use in bad faith in the present case (see e.g. paragraph 3.1.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#))).

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, <uncgacademicworks.com>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: May 11, 2022