

## **ADMINISTRATIVE PANEL DECISION**

The George Washington University v. Kenneth Stone, Domain Lance  
Case No. D2022-2416

### **1. The Parties**

The Complainant is The George Washington University, United States of America (“United States”), represented by Wilkinson Barker Knauer LLP, United States.

The Respondent is Kenneth Stone, Domain Lance, Panama.

### **2. The Domain Name and Registrar**

The disputed domain name <gwuniversity.education> (the “Domain Name”) 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 July 1, 2022. On July 4, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 5, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on July 5, 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 July 7, 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 July 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 9, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on August 29, 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 to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a private university in Washington, D.C., with campuses located in Foggy Bottom, Mount Vernon and Ashburn, Virginia. The Complainant is one of the largest institution of higher education in Washington, D.C. There are approximately 12,500 undergraduate and 15,300 graduate students enrolled, from all the states of the United States and some 139 other countries. The Complainant is renowned nationally and internationally for its education and research. GWU is an acronym for the Complainant's full name.

The Complainant owns trademark registrations in GW UNIVERSITY, GW, THE GEORGE WASHINGTON UNIVERSITY and GWU.

The Complainant owns domain names such as <gwu.edu>.

The Domain Name was registered on March 28, 2022. At the time of drafting the Decision, the Domain Name resolved to an error page. The Domain Name has earlier resolved to a website of a purported school.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant documents registered trademark rights and argues that the Domain Name is identical to the Complainant's GW UNIVERSITY trademark and confusingly similar to the Complainant's GW and GWU trademarks.

The Complainant asserts that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant argues that the Respondent cannot establish rights in the Domain Name, as the Respondent has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Complainant submits that the Respondent's use, for example to send fraudulent e-mails to the Complainant's students and trying to pass itself as being the Complainant, cannot be considered as a legitimate fair use.

Finally, the Complainant submits that the Complainant is known, and the Respondent must have been aware of the Complainant's trademark when the Respondent registered the Domain Name. The composition of the Domain Name suggests that the Respondent registered the Domain Name to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark. This intention to trade on the Complainant's goodwill is evident from the Respondent's use of the Domain Name. The Respondent has amongst others sent fraudulent or phishing e-mails to trick the Complainant's students into sending "enrollment fee" on false premises.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Complainant has established trademark rights in GW UNIVERSITY, GW and GWU. The test for confusing similarity involves a comparison between the trademarks and the Domain Name. For the purposes of assessing confusing similarity under paragraph 4(a)(i) of the Policy, it is permissible for the Panel to ignore the generic Top-Level Domain ("gTLD") as it is viewed as a standard registration requirement, see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.

The Panel finds that the Domain Name is identical and confusingly similar to trademarks in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

The Complainant asserts that the Respondent is not affiliated with nor authorized by the Complainant. There is no evidence suggesting that the Respondent is commonly known by the Domain Name. The Respondent cannot establish rights in the Domain Name, as it has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. On the contrary, the use is evidence of bad faith, see below.

The Panel finds that the Complainant has made out a *prima facie* case showing that the Respondent has no rights or legitimate interests in the Domain Name, which has been unrebutted by the Respondent.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

The Complainant's trademarks were registered long before the registration of the Domain Name. The composition of the Domain Name suggests that the Respondent was aware of the Complainant's trademark when the Respondent registered the Domain Name.

The Domain Name seems to be registered to attract Internet users by misleading them into believing that the website at the Domain Name is authorized by or somehow connected to the Complainant. 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.

The fact that the Domain Name has resolved to a webpage of a purported school that is not accredited as an institution of higher learning, and that the Respondent has sent fraudulent e-mails to trick the Complainant's students, are further indications of bad faith.

The Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of the 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 Domain Name <gwuniversity.education> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: September 9, 2022