

ADMINISTRATIVE PANEL DECISION

The Juilliard School v. juilliardalumni.com Private Registrant Case No. D2024-3713

1. The Parties

Complainant is The Juilliard School, United States of America (“United States”), represented by Archstone Law Group, United States.

Respondent is juilliardalumni.com Private Registrant, United States.

2. The Domain Name and Registrar

The disputed domain name <juilliardalumni.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 12, 2024. On September 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 17, 2024, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email to Complainant on September 23, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on September 23, 2024.

In response to a notice from the Center that the Complaint was administratively deficient, on September 24, 2024, Complainant filed an amended Complaint.

The Center verified that the Complaint together with the amendment to the Complaint and 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 Respondent of the Complaint, and the proceedings commenced on September 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 16, 2024.

The Center appointed Robert A. Badgley as the sole panelist in this matter on October 21, 2024. 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

Complainant has operated an educational institution called JUILLIARD since at least as early as 1926. Although the Complaint is remarkably threadbare, the Panel is independently aware of the JUILLIARD school and its considerable reputation in the field of training performing artists. The most perfunctory Internet search of JUILLIARD readily confirms the prestige and renown of Complainant's school.

Complainant holds several registered trademarks with the United States Patent and Trademark Office ("USPTO") for the mark JUILLIARD, including USPTO Reg. No. 2,091,832, registered on August 26, 1997 in connection with "computer software for use in teaching music", and USPTO Reg. No. 3,749,064, registered on February 16, 2010 in connection with, among other things, "clothing" with a December 31, 1987 date of first use in commerce and "educational services, namely, conducting classes in the fields of drama, dance and music and entertainment services" with an October 28, 1926 date of first use in commerce.

Complainant owns the domain name <juilliard.edu> and uses it to host a website featuring Complainant's various offerings and activities.

The Domain Name was registered on August 2, 2007. There is no evidence in the record that the Domain Name has ever resolved to an actual website.

Complainant alleges that Respondent has no relationship with Complainant.

According to Complainant, Respondent has sought to sell the Domain Name to Complainant at a profit. There is no direct evidence of this in the record.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that Complainant has rights in the mark JUILLIARD through registration and use demonstrated in the record. The Panel also finds that the Domain Name is confusingly similar to that mark. The mark JUILLIARD is entirely reproduced within the Domain Name, and the additional word “alumni” does not prevent the mark from being clearly recognizable within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] 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; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in connection with the Domain Name. Respondent has not come forward to articulate, and support with evidence, some bona fide basis for registering the Domain Name. In the Panel’s view, the renown of the JUILLIARD mark and its association with Complainant’s school, coupled with the additional word “alumni” in the Domain Name, make it clear that Respondent was targeting Complainant and its mark when registering the Domain Name. Absent any explanation from Respondent, the Panel concludes that Respondent has no legitimate interest in the Domain Name.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy.

As noted above, the Panel finds the JUILLIARD mark to be well-known and associated strongly with Complainant's school. The addition of the word "alumni" in the Domain Name makes it clear that Respondent registered the Domain Name with Complainant's mark in mind.

It is well accepted that non-use or "passive use" of a domain name may, in appropriate circumstances, does not prevent a finding of bad faith under the UDRP. See *Telstra Corp. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). Here, given the notoriety of Complainant's mark, the composition of the disputed domain name, and Respondent's use of false registration data, only reflecting the disputed domain name in its registration details in a likely fraudulent attempt to legitimize the registration as if in connection with an alumni association for Complainant, reinforces the Panel's finding that the passive holding of the disputed domain name does not preclude a finding of bad faith.

Complainant has established Policy paragraph 4(a)(iii).

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 <juilliardalumni.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: October 29, 2024