

## **ADMINISTRATIVE PANEL DECISION**

Sandals Resorts International 2000 Inc. v. Qin Xian Sheng  
Case No. D2022-0704

### **1. The Parties**

Complainant is Sandals Resorts International 2000 Inc., Panama, represented by Dechert, United Kingdom.

Respondent is Qin Xian Sheng, Singapore.

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

The disputed domain name <beechesresorts.com> is registered with Key-Systems GmbH (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 1, 2022. On March 1, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 2, 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 Complainant on March 9, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 11, 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 Respondent of the Complaint, and the proceedings commenced on March 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 6, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 29, 2022.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on May 16, 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**

Complainant is a Panamanian-based company. For years prior to the registration of the disputed domain name, Complainant has offered various services under its BEACHES mark and its BEACHES RESORTS BY SANDALS mark. Complainant is the owner of several registrations for these marks, including, among others, United States Registration No. 2951577 (registered May 17, 2005) and European Union Registration No. 169995 (registration May 6, 1998) for BEACHES, and European Union Registration No. 14605513 (registered February 8, 2016) for BEACHES RESORTS BY SANDALS, in stylized form.

The disputed domain name was registered on July 27, 2021. The disputed domain name is not linked to an active website. Respondent nevertheless has no affiliation with Complainant, nor any license to use its marks.

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

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

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns marks for BEACHES as well as "BEACHES RESORTS" for, among other things, international resort services.

Complainant further contends that these marks are well known and "internationally renowned" such that confusion from the disputed domain name is "inevitable". In this regard, Complainant submitted evidence of media exposure, including from outlets such as the New York Times, Forbes, and The Telegraph, commenting on the significant exposure of Complainant's marks.

Complainant contends that Respondent has incorporated the dominant portion of Complainant's BEACHES mark and/or its "BEACHES RESORTS" mark into the disputed domain name, with only a deliberate misspelling of the word "beaches."

Complainant contends that Respondent lacks rights or legitimate interest in the disputed domain name, and rather has registered and is using it in bad faith, having simply acquired the disputed domain name for Respondent's own commercial gain, likely in order to confuse consumers seeking the various international resort services offered under Complainant's BEACHES mark and its "BEACHES RESORTS" mark. Complainant further alleges that Respondent has engaged in a pattern of conduct that establishes bad faith under the UDRP.

##### **B. Respondent**

Respondent did not reply to Complainant's contentions.

#### **6. Discussion and Findings**

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

The Panel must first determine whether the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that it is. The disputed domain name directly incorporates the dominant portion of Complainant's BEACHES and BEACHES RESORTS BY SANDALS marks, but with a clear and obvious misspelling of the word "beaches."

Incorporating the “dominant feature” of a mark may be sufficient for a finding under this first element of the UDRP. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), Paragraph 1.7. As for the misspelling, this indicates a practice commonly known as “typosquatting,” where a domain name registrant deliberately registers common misspellings of a well-known mark in order to divert consumer traffic. Other UDRP panels have routinely found typosquatted domain names like these to be “confusingly similar” for purposes of a finding under the UDRP. See *Edmonds.com, Inc. v. Yingkun Guo*, WIPO Case No. [D2006-0694](#) (<edunds.com>); *Disney Enterprises, Inc. v. John Zuccarini, Cupcake City and Cupcake Patrol*, WIPO Case No. [D2001-0489](#) (<disneychanel.com>, <disneywolrd.com>, <walddisney.com>); *Credit Karma, Inc. v. Domain Admin, Whols Privacy Corp.*, WIPO Case No. [D2017-0194](#) (<credidkarma.com>).

The Panel therefore finds that the disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights for purposes of paragraph (4)(a)(i) of the Policy.

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

The Panel next considers whether Complainant has shown that Respondent has no “rights or legitimate interest”, as must be proven to succeed in a UDRP dispute. Paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name “in connection with a *bona fide* offering of goods or services”; (ii) demonstration that respondent has been “commonly known by the domain name”; or (iii) “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”.

No evidence has been presented to the Panel that might support a claim of Respondent’s rights or legitimate interests in the disputed domain name, and Respondent has no license from, or other affiliation with, Complainant.

Therefore, the Panel finds that Complainant has provided sufficient evidence of Respondent’s lack of “rights or legitimate interests” in accordance with paragraph 4(a)(ii) of the Policy which Respondent has not rebutted.

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

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel’s decision, the disputed domain name is not linked to an active website. It is nevertheless well established that having an inactive domain name does not necessarily shield a respondent from a finding of bad faith. See [WIPO Overview 3.0](#), Paragraph 3.3, which notes that the “non-use of a domain name” does not necessarily negate a finding of bad faith.

Rather, a panel must examine “the totality of the circumstances”, including, for example, whether a complainant has a well-known trademark and whether a respondent replies to the complaint. Respondent here did not formally respond to the Complaint. Furthermore, the Panel finds that Complainant has demonstrated a likelihood that Respondent was aware of Complainant’s prior use of its distinctive marks for international resort services. See *Sandals Resorts International 2000 Inc. v. Withheld for Privacy ehf, Privacy service provided by Withheld for Privacy ehf / Kenichi Sasaki, Netsolutions*, WIPO Case No. [D2021-3310](#) (finding Complainant’s BEACHES mark to be “notorious in its sector”).

The Panel further notes that several UDRP panels have found that Respondent engaged in bad faith registration and use of other globally known marks. See *DNA Script v. qin xian sheng*, WIPO Case No. [D2021-4147](#); *DFDS A/S v. qin xian sheng*, WIPO Case No. [D2021-3708](#); *NRJ Group v. qin xian sheng*, WIPO Case No. [D2021-3308](#); *Skyscanner Limited v. qin xian sheng*, WIPO Case No. [D2021-2623](#). This also evidences bad faith in accordance with paragraph 4(b)(ii).

Therefore, the Panel finds sufficient evidence that Respondent registered and used the disputed domain name in bad faith for purposes of 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 disputed domain name <beechesresorts.com> be transferred to Complainant.

*/Lorelei Ritchie/*

**Lorelei Ritchie**

Sole Panelist

Date: May 30, 2022