

ADMINISTRATIVE PANEL DECISION

Hyatt Corporation, Hyatt International Corporation v. Victoria Cameron
Case No. D2022-4171

1. The Parties

The Complainants are Hyatt Corporation, United States of America (“United States”), and Hyatt International Corporation, United States, both represented by DLA Piper LLP (US), United States.

The Respondent is Victoria Cameron, United States.

2. The Domain Name and Registrar

The disputed domain name <hyattcorporateoffice.com> is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 3, 2022. On November 4, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 4, 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 Complainants on November 8, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on November 8, 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 November 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 9, 2022.

The Center appointed Kathryn Lee as the sole panelist in this matter on December 20, 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 Complainants are international hotel management companies which manage the HYATT-branded properties, hotels, and resorts throughout the world. The first HYATT-branded hotel opened in the United States in 1957, and there are now over 1,200 HYATT-branded hotel properties in 72 countries. HYATT-branded hotels have been recognized in such lists as “100 Best Companies to Work For” by Fortune Magazine, “FORTUNE World’s Most Admired Companies”, “America’s Best Employers for Women” by Forbes, “Best Places to Work” by Glassdoor, and “50 Companies that Care” by People Magazine, among others. The Complainants own a number of registrations for the HYATT-family of marks, including the following registration for the HYATT mark:

- Registration number 1275659 registered on October 2, 1989 in the United Kingdom;
- Registration number 5632486 registered on December 21, 2009 in China; and
- Registration number 1937425 registered on April 5, 2011 in India.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on April 4, 2022 and automatically redirects to the Complainants’ website at “www.hyatt.com”.

5. Parties’ Contentions

A. Complainant

The Complainants contend that the disputed domain name is confusingly similar to the HYATT trademark in which the Complainants have rights. The Complainants explain that the disputed domain name incorporates the distinctive HYATT trademark in its entirety, and is therefore confusingly similar to the HYATT trademark regardless of the inclusion of the terms “corporate” and “office.”

The Complainants also contend that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainants further contend that the Respondent redirects visitors to the disputed domain name to the Complainants’ website at “www.hyatt.com” which is not legitimate use of a domain name.

Finally, the Complainants contend that the disputed domain name was registered and is used in bad faith. The Complainants explain that given the worldwide reputation of the HYATT-branded hotels and the ubiquitous presence of the HYATT marks, the Respondent was or should have been aware of the HYATT marks prior to registering the disputed domain name, and further, that the Respondent’s redirection of the disputed domain name to Hyatt’s website shows that the Respondent did not have good faith in registering the disputed domain name. The Complainants also contend that since the disputed domain name redirects to Hyatt’s website and incorporates the words “corporate” and “office”, visitors will be deceived into believing that the disputed domain name is associated or affiliated with Hyatt, when it is not.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainants have demonstrated with supporting evidence that they have rights to the trademark HYATT. As for the disputed domain name, it contains the HYATT mark in its entirety along with the term “corporate” and “office.” According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7, a domain name is considered confusingly similar to a trademark if it “incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name”. In this regard, the HYATT mark is incorporated in the disputed domain name in its entirety and is readily recognizable within the disputed domain name. The additional terms “corporate” or “office” do not prevent a finding of confusing similarity (see [WIPO Overview 3.0](#), section 1.8).

For the reasons mentioned above, the Panel finds that the first element has been established.

B. Rights or Legitimate Interests

On the basis of the present record, the Panel finds that the Complainants have made the required allegations to support a *prima facie* case showing that the Respondent has no rights or legitimate interests in the disputed domain name. Once such a *prima facie* case has been established, the burden of production shifts to the Respondent to demonstrate its rights or legitimate interests in the disputed domain name, with the burden of proof always remaining with the Complainant. However, the Respondent in this case has chosen to file no Response to these assertions by the Complainants, and there is no evidence or allegation in the record that would warrant a finding in favor of the Respondent on this point.

Besides, a respondent’s use of a domain name is not considered “fair” if it falsely suggests affiliation with the trademark owner. See [WIPO Overview 3.0](#), section 2.5.1. Here, the dominant element of the disputed domain name corresponds exactly to the Complainants’ trademark, and the additional terms “corporate” and “office” suggest that the disputed domain name belongs to the Complainants’ corporate department, and carries a risk of implied affiliation.

In addition, Panels have held that a respondent’s redirection of a domain name to the complainant’s website does not constitute a *bona fide* offering of goods or services (See, *Carrefour v. WhoisGuard, Inc., WhoisGuard Protected / Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records*, WIPO Case No. [D2017-2533](#) and *Bureau Veritas v. Xavier Garreau*, WIPO Case No. [D2017-1570](#)).

For the reasons provided above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the second element has been established.

C. Registered and Used in Bad Faith

The Panel finds that there is strong and clear evidence to find bad faith in this case.

The registration of the disputed domain name which is confusingly similar to the Complainants’ famous HYATT mark creates a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4. Not only that, based on the redirection of the disputed domain name to the Complainants’ website, it is clear that the Respondent knew of the Complainants and the HYATT trademark at the time of the registration of the disputed domain name. And as for the use, panels have found that redirecting the domain name to the complainant’s website can establish bad faith as the respondent retains control over the disputed domain name and therefore creates a real or implied ongoing threat to the complainant. See [WIPO Overview 3.0](#), section 3.1.4. Lastly, the Panel can conceive of no possible good faith use of the disputed domain name by the Respondent.

For the reasons given above, the Panel finds that the third element has been established.

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 <hyattcorporateoffice.com> be transferred to the Complainants.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: January 17, 2023