

## **ADMINISTRATIVE PANEL DECISION**

Belmond Management Limited v. silkota vertika  
Case No. D2023-3318

### **1. The Parties**

The Complainant is Belmond Management Limited, United Kingdom, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is silkota vertika, United Kingdom.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 2, 2023. On August 2, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 2, 2023, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 3, 2023, 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 August 4, 2023.

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 August 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 29, 2023.

The Center appointed Adam Samuel as the sole panelist in this matter on September 11, 2023. 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 owns and operates hotels in a number of countries. The Complainant owns a number of trademarks for the name BELMOND, including the United States of America trademark number 4832479, registered on October 13, 2015. The Complainant registered the domain names <belmond.com> on March 5, 1998, and <belmondbali.com> on February 23, 2014, through which it promotes its products and services.

The disputed domain name was registered on January 31, 2023. The disputed domain name resolves to a website indicating that the domain has been suspended pending the verification of the Complainant's email address.

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

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

The Complainant owns trademark registrations across various jurisdictions for the name BELMOND. In creating the disputed domain name, the Respondent has added the generic term "hotel bali" to the Complainant's BELMOND trademark. The fact that such terms are closely linked with the Complainant's brand and trademark on increases the confusing similarity between the disputed domain name and the Complainant's trademark. The Complainant operates a hotel in Bali.

The Respondent is not affiliated with the Complainant in any way. There is no evidence that the Respondent is commonly known by the disputed domain name. The Respondent is using the disputed domain name to redirect Internet users to a website that resolves to an ICANN verification warning which lacks any active content.

The Complainant and its Belmond trademark are known internationally and have been used since 2014, well before the registration of the disputed domain name. By registering a domain name that comprises the Complainant's BELMOND trademark with the additional term "hotel bali" which directly relates to the Complainant, the Respondent has shown a knowledge of and familiarity with the Complainant's brand and business. The disputed domain name can only be interpreted as intending to cause confusion among Internet users as to the source of the disputed domain name. The Respondent has ignored the Complainant's cease and desist letters. The physical address listed in the Whois record for the Respondent does not point to a searchable location.

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

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

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

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

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

- (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 disputed domain name consists of the Complainant's trademark, the words "hotel" and "bali", and the generic Top-Level Domain ("gTLD") ".com". The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 1.8 of the [WIPO Overview 3.0](#) says:

"Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element."

BELMOND is a distinctive made-up word with no independent meaning. "Hotel" and "Bali" describe an activity that the Complainant does in the indicated location.

For all these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark.

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

The Respondent is not called "belmondhotelbali" or anything similar. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks. The Respondent does not appear to have used the disputed domain name for any legitimate purpose.

Based on the available record, where the Complainant has made out a preliminary case that the Respondent lacks rights or legitimate interests, and in the absence of any response on this point, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name. See section 2.1 of the [WIPO Overview 3.0](#).

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

The Respondent appears never to have used the disputed domain.

Section 3.3 of the [WIPO Overview 3.0](#) says:

"From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put."

In this case, the disputed domain name consists of the Complainant's distinctive trademark and a description of one of its activities: the ownership and operation of a hotel in Bali, Indonesia. The Respondent knew of the Complainant and its business when it registered the disputed domain.

Without a response, it is impossible to know why the Respondent registered the disputed domain name. The most likely answer is that it did so in order to disrupt the Complainant's business in some way. It is difficult to identify any plausible good faith use to which the disputed domain name can be put.

For all these reasons, the Panel concludes, therefore, that the Respondent registered and is using the disputed domain name in bad faith.

## **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, <belmondhotelbali.com>, be transferred to the Complainant.

*/Adam Samuel/*

**Adam Samuel**

Sole Panelist

Date: September 14, 2023