

ADMINISTRATIVE PANEL DECISION

WG Acquisition Limited v. Zsolt Bikadi

Case No. D2024-4073

1. The Parties

The Complainant is WG Acquisition Limited, Jersey, represented by Murgitroyd & Company, United Kingdom.

The Respondent is Zsolt Bikadi, Hungary.

2. The Domain Name and Registrar

The disputed domain name <wentworthhillsgolf.com> is registered with Domain Science Domain Science Kutatási Szolgáltató Korlátolt Felelősségű Társaság (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 3, 2024. On October 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 7, 2024, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 8, 2024, 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 October 14, 2024.

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 October 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 8, 2024.

The Center appointed Jeremy Speres as the sole panelist in this matter on November 15, 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.

The Panel issued Procedural Order No. 1 on November 22, 2024, to which the Complainant responded on November 26, 2024, and the Respondent on November 27, 2024.

4. Factual Background

The Complainant is the investment and intellectual property holding company for Wentworth Club, a privately owned golf club and health resort in Virginia Water, Surrey, England, founded in 1922. The Complainant's club has hosted many famous golfing events since its founding, e.g. the inaugural Ryder Cup. The club's primary website is operated from the domain name <wentworthclub.com>.

The Complainant owns trademark registrations for its WENTWORTH mark in numerous jurisdictions, including European Union Trademark Registration No. 004287744 WENTWORTH in classes 3, 9, 12, 16, 18, 25, 28, 36, 41, and 43, having a registration date of September 15, 2006.

The disputed domain name was registered on July 2, 2024, and currently does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, the Complainant contends that the disputed domain name was registered and has been used in bad faith in order to take advantage of confusion with the Complainant's well-known WENTWORTH trademark.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. The Respondent's informal response to Procedural Order No. 1 was to state:

"thank you and Mr Speres for the investigation. I am a domain investor buying expired domain names for their traffic based on their website history. Hereby I confirm that registering the domain name was based on the domain existing backlinks and I did not have the Complainant's trademark in mind. Also, the domain was listed for sale for \$395 (sale link shown on the domain itself) with a floor price of \$100 but I was never contacted by the Complainant."

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of other terms, here "hillsgolf", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a

finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant’s WENTWORTH mark was well known in respect of golf long prior to registration of the disputed domain name, and the composition of the disputed domain name clearly associates it with golf. The disputed domain name is confusingly similar to the Complainant’s mark and the Complainant has certified that the disputed domain name is not authorized by it. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Pursuant to its general powers articulated inter alia in paragraphs 10 and 12 of the Rules, in Procedural Order No. 1 the Panel pointed out to the Complainant that it had independently established that there is a third-party golf club in Massachusetts, United States of America, named “Wentworth Hills Country Club”.

The Panel also pointed out the following. Internet searches for the second level portion of the disputed domain name return results exclusively relating (at least across the first three pages of results) to the third-party golf club. Internet Archive records for the disputed domain name show that it was used by this golf club for its official website in 2009 and earlier. This golf club still uses the disputed domain name in some of its older marketing material. See the following document hosted at the golf club’s current website: “www.wentworthhillscountryclub.com/images/stories/documents/outings-events.pdf”. So too does the golf club’s previous Facebook page here: “www.facebook.com/p/The-Official-Wentworth-Hills-Golf-Club-Page-100069299051878”.

The Complainant responded to Procedural Order No. 1 by claiming a) that the third-party golf club appears to have abandoned any interest in the disputed domain name at least ten years ago; and b) that the reputation of the Complainant in its WENTWORTH mark far exceeds any reputation of the third-party golf club, which means that it is more likely than not that the disputed domain name was registered with the Complainant in mind.

On the contrary, the Panel finds that it is more likely than not, on balance of probabilities, that the disputed domain name was not registered with the Complainant in mind.

Firstly, the Panel has independently established that the Respondent has a history of registering domain names that have been allowed to lapse by trademark owners. See *Opice Blum Academy Treinamento e Consultoria Ltda v. Zsolt Bikadi*, WIPO Case No. [D2023-2311](#); and *PuroSystems, LLC v. Zsolt Bikadi*, FORUM Case No. FA2202001986321. In this case, it is likely that the third-party golf club allowed the disputed domain name to lapse and that the Respondent registered it without knowing of its similarities with the Complainant's trademark.

Secondly, the composition of the disputed domain name is more consistent with a targeting, if any, of the third-party golf club rather than the Complainant, incorporating as it does "wentworthhills". Internet searches for that term, as well as for the entire second level portion of the disputed domain name, return results overwhelmingly relating to the third-party golf club, and none (as far as the Panel can tell from the first few pages of results) relating to the Complainant.

Thirdly, the Complainant has not produced any evidence showing that it is associated with the term "Hills" in the form of "Wentworth Hills", nor any hill/s for that matter, thus if the intention was to target the Complainant, the addition of "hills" seems somewhat incongruous.

Fourthly, the Respondent's response, although informal and not accompanied by the certification required by the Rules, does align with facts set out above, in particular the Respondent's history of having registered expired domain names.

The analysis of the third element under the Policy typically requires that bad faith be directed at the Complainant (and not some third party). See *Neurocog Pty Ltd v. Domain Administrator, CentralNic Ltd.*, WIPO Case No. [D2024-1076](#) ("[t]he Policy makes clear that the bad faith must be in relation to 'the complainant' and 'the complainant's mark', not some unrelated third party or some third party's mark.").

Thus, the Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: November 29, 2024