

ADMINISTRATIVE PANEL DECISION

25 Thrasio Twenty Five, Inc. v. Kiattisak Kalkumnerd
Case No. D2025-0462

1. The Parties

The Complainant is 25 Thrasio Twenty Five, Inc., United States of America (“United States”), represented by Neal & McDevitt, United States.

The Respondent is Kiattisak Kalkumnerd, Thailand.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 5, 2025. On February 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 6, 2025, 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 February 7, 2025, 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 amendment to the Complaint on February 7, 2025.


The Center verified that the Complaint together with the amendment to the 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 February 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 10, 2025.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on March 18, 2025. 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 is a leading online marketer of luxury linens, pillows and associated bedding including comforters, duvets, bedspreads, sheets, pillowcases, bed pads, mattress covers, blankets, towels, pillows and related goods. The Complainant's products are widely available across a variety of online retailers and major e-commerce platforms such as Amazon and Walmart.

The Complainant owns various trademarks for the BECKHAM HOTEL COLLECTION mark. The relevant trademark registrations include the United States Trade Mark Registration No. 5356886 for BECKHAM HOTEL COLLECTION in Class 24 registered on December 12, 2017, and the United States Trade Mark Registration No. 6938934 for BECKHAM HOTEL COLLECTION registered on January 3, 2023 (the "Complainant's Trademark"). The Complainant also uses the following stylized version of the Complainant's Trademark  on and in connection with the sale of its good (the "Complainant's Logo").

The Disputed Domain Name was registered on February 12, 2024, a number of years after the Complainant registered the Complainant's Trademark. At the time of the filing of the Complaint and the rendering of this Decision, the Disputed Domain Name resolved to an active website (the "Respondent's Website") that prominently featured the Complainant's Trademark (including the Complainant's Logo), advertised the Complainant's products such as pillows and bedsheets, and included click through links that state "BUY ON AMAZON" and such links resolved to Amazon webpages which offered to sell the Complainant's products.

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:

(a) The Disputed Domain Name is confusingly similar to the Complainant's Trademark. The Disputed Domain Name incorporates the Complainant's Trademark in its entirety with the addition of the word "the". The addition of the term "the" does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's Trademark. Moreover, the generic Top-Level Domain ".com" should be disregarded in assessing confusing similarity under the first element.

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. There has never been any relationship between the Complainant and the Respondent that would give rise to any license, sponsorship, permission or authorization for the Respondent to register or use the Disputed Domain Name. The Complainant has not authorized the Respondent to use the Complainant's Trademark in a domain name, at any website, or for any other purpose. The Respondent is using the Disputed Domain Name to impersonate the Complainant. The Respondent Website prominently misused the Complainant's Trademark in way that falsely implies authorization or endorsement by the Complainant and does not include a clear disclaimer clarifying its lack of affiliation with the Complainant. The Respondent's actions do not constitute a bona fide offering of goods or services and instead appear to be an attempt to misleadingly divert Internet users to the Respondent's Website for commercial gain.

(c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. Given that the Respondent's Website prominently features the Complainant's Logo, the Complainant's copyrighted materials, and offers a click through link directing users to purchase the Complainant's products, the Respondent must have been fully aware of the existence of the Complainant's rights in the Complainant's Trademark when the Respondent registered and used the Disputed Domain Name. The Respondent aims to create a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website for the Respondent's own commercial gain by incorporating the Complainant's Trademark within the Disputed Domain Name. Moreover, the Complainant notes that the Respondent has activated mail exchange ("MX") records for the Disputed Domain Name, which may indicate that the Respondent intends to engage in phishing or other fraudulent activities.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 by the Respondent in bad faith.

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 Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the generic Top-Level Domain in this case ".com" may be disregarded for the purposes of assessing confusing similarity under the first element. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "the") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's Trademark 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.

In the present case, the Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favor of the Complainant. However, the Respondent’s failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

The Panel notes that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further notes that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant’s Trademark or to apply for or use any domain name incorporating the Complainant’s Trademark. The Respondent would likely not have adopted the Complainant’s Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from, the Complainant. The reproduction of the Complainant’s Trademark and the use of the term “the” within the Disputed Domain Name, as well as the use of the Complainant’s Trademark on the Respondent’s Website, also leads to a risk of implied affiliation as the Disputed Domain Name effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

There is also no evidence to suggest that the Respondent’s use of the Disputed Domain Name is in connection with a bona fide offering of goods or services or be regarded as legitimate noncommercial or fair use. The Respondent’s Website is used to impersonate the Complainant by prominently featuring the Complainant’s Trademark and the Complainant’s Logo, advertising the Complainant’s products and allegedly displaying the Complainant’s copyrighted materials (including images) without any disclaimer clarifying the (lack of) relationship between the Parties, which makes the website look and feel like the Complainant’s website. The Respondent’s Website attempts to divert business away from the Complainant while capitalizing on the goodwill associated with the Complainant’s Trademark.

Panels have held that the use of a domain name for illegitimate activity, in this case claimed impersonation or passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated Respondent that would amount to good faith use, given that the Disputed Domain Name incorporates the Complainant's Trademark in its entirety, and the Respondent's Website displays the Complainant's Trademark and advertises the Complainant's products without the Complainant's authorisation. The Respondent registered and used the Disputed Domain Name to mislead and divert Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of any actual or contemplated good faith use of the Disputed Domain Name.

Panels have previously held that a finding of bad faith can be established where a complainant's trademark is shown to be well-known or in wide use at the time of registration of the disputed domain name (see *LEGO Juris A/S v. store24hour*, WIPO Case No. [D2013-0091](#)). The Respondent must have been aware of the Complainant and the Complainant's Trademark when registering and using the Disputed Domain Name given the well-known nature of the Complainant's Trademark and it was put into use well before the Respondent registered the Disputed Domain Name. Moreover, the Respondent's Website purportedly features the Complainant's Trademark, the Complainant's products and copyrighted material, and click through links that resolve to the Complainant's Amazon page without any disclaimer, which likely creates an impression of being a website of the Complainant when it is not.

Panels have held that the use of a domain name for illegitimate activity, in this case claimed impersonation or passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 <thebeckhamhotelcollection.com> be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: April 2, 2025