

## **ADMINISTRATIVE PANEL DECISION**

Virgin Enterprises Limited v. Obi Frank  
Case No. D2025-0546

### **1. The Parties**

The Complainant is Virgin Enterprises Limited, United Kingdom, represented by Venner Shipley LLP, United Kingdom.

The Respondent is Obi Frank, United Arab Emirates.

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

The disputed domain name <virgincruisesship.com> is registered with 1API GmbH (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 11, 2025. On February 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 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 13, 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 amended Complaint on February 18, 2025.

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 February 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 14, 2025.

The Center appointed Ugur G. Yalçiner as the sole panelist in this matter on March 24, 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 member of the Virgin group of companies and responsible for registering and maintaining the group's VIRGIN trademarks and licensing them to the Virgin businesses. The Complainant owns a substantial portfolio of approximately 3,500 trademark applications and registrations in over 150 jurisdictions. One of the Complainant's group companies, Virgin Cruises Intermediate Limited, operates the Virgin Voyages cruise line, which consists of four ships visiting several destinations.

The Complainant is the owner of several trademark registrations consisting of the term VIRGIN, some of which are listed below:

- International Trademark registration VIRGIN with registration no.1290574, registered on February 3, 2015, in classes 39, 41, and 43;
- United Kingdom trademark registration VIRGIN with registration no. UK00003163121, registered on July 29, 2016 in classes 3, 5, 9, 11, 12, 14, 16, 31, 32, 33, 35, 36, 38, 39, 41, 42, 43, 44, and 45;
- European Union Trade Mark registration VIRGIN CRUISES with registration no. 015528847, registered on January 31, 2017, in classes 39, 41, and 43;
- United Kingdom trademark registration VIRGIN CRUISES with registration no. UK00915528847, registered on January 31, 2017 in classes 39, 41, and 43;
- European Union Trade Mark registration for the VIRGIN figurative mark ("Virgin Signature Logo") with registration no. 1246292, registered on December 18, 2014, in class 39; and
- European Union Trade Mark registration for the VIRGIN VOYAGES figurative mark ("Virgin Voyages Logo") with registration no. 016727125, registered on November 15, 2017, in classes 9, 35, 39, 41, and 43.

In addition to several domain names including the trademark VIRGIN, the Complainant also owns the domain name <virgin.com>, registered in 1997 and the domain name <virgincruises.com>, registered in 1998, redirecting to "www.virginvoyages.com" operated by the Complainant.

The disputed domain name was registered on December 27, 2024. At the time of filing of the Complaint, it resolved to a website offering cruises and copying content from the Complainant's website "www.virginvoyages.com". However, the disputed domain name no longer resolves to an active website. The Complainant has also provided evidence showing that the disputed domain name was used for sending fraudulent emails impersonating a founder and chairman of the Virgin Group.

#### **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. The Complaint includes the following contentions:

(i) Identical or Confusingly Similar

The Complainant contends that the disputed domain name incorporates its registered trademarks VIRGIN, VIRGIN CRUISES, and the Virgin signature logo in their entirety, making it identical or confusingly similar to these trademarks, the inclusion of the terms “cruises” and “ship,” which are generic in the cruise industry, does not sufficiently distinguish the disputed domain name from the Complainant’s trademarks, the first two components of the disputed domain name are also identical to the entirety of the domain name <virgincruises.com>, which is used by the Complainant to resolve to the Virgin Voyages Website, as well being identical to the distinctive components of the name of the company that operates the Virgin Voyages business, namely, Virgin Cruises Intermediate Limited.

The Complainant alleges that the disputed domain name will clearly lead Internet users that it provides access to information about, or the online location to book the Complainant’s well-known Virgin Voyages cruise services, therefore, the Complainant asserts that the disputed domain name is confusingly similar to its registered marks, satisfying the requirement under paragraph 4(a)(i).

(ii) Rights or Legitimate Interests

The Complainant alleges that the disputed domain name resolves to a website that copies the Complainant’s website at “www.virginvoyages.com” almost identically, including the use of marks identical to the Complainant’s registered trademarks VIRGIN, the Virgin Signature Logo, VIRGIN VOYAGES, and the Virgin Voyages Logo, the website also lifts various images and sections of text directly from the Complainant’s website at “www.virginvoyages.com” and includes misleading “Book” and “Explore” buttons that either do not work or redirect to the Complainant’s official website, which is not typical of a legitimate business and is clearly done to exacerbate confusion with the Complainant’s Virgin Voyages business.

The Complainant also states that the website features a sign-up function likely intended for phishing purposes to obtain sensitive or personal information for fraudulent commercial gain, it is very clear that Internet users will be deceived into thinking that the disputed domain name is operated by or connected to the Complainant or the Virgin Voyages business.

The Complainant contends that fraudulent emails were sent from the email address associated with the disputed domain name. A member of the public (the “Recipient”) commented on a LinkedIn post and was subsequently contacted on January 17, 2025, by an individual impersonating the founder and chairman of the Virgin Group, using the email address “[...]@virgincruisesship.com” (the “Unauthorised Email Address”). The email refers to an online comment posted by the Recipient and requests to see a pitch from the Recipient. The Recipient responded to the Unauthorised Email Address on January 18, 2025, providing information on their business concept. The Recipient received another email from the Unauthorised Email Address on January 20, 2025, requesting confirmation to proceed working with Virgin. The Recipient did not respond and instead reported the email chain to the Complainant. The Complainant asserts that neither the disputed domain name, the website under the disputed domain name, nor the Unauthorised Email Address have been authorized by or are in any way connected to the Complainant or the founder and chairman of the Virgin Group.

The Complainant contends that there is no evidence that the Respondent has ever been commonly known by the disputed domain name, used it, or has any plans to use it for a bona fide offering of goods or services. Given that the disputed domain name identically incorporates the Complainant’s registered marks, VIRGIN and VIRGIN CRUISES, and is associated with blatant bad faith activity, including the scam, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, thereby satisfying paragraph 4(a)(ii) of the Policy.

(iii) Registration and Use in Bad Faith

The Complainant contends that the website under the disputed domain name copies a substantial amount of text and images from the Complainant’s official website and uses the Complainant’s registered trademarks

without authorization, creating a misleading impression of affiliation. The website under the disputed domain name and the Unauthorized Email Address are allegedly being used for fraudulent activities, including phishing and scam. Internet users attempting to book cruises or obtain information through the fraudulent site may be harmed, leading to reputational and commercial damage to the Complainant.

The Complainant asserts that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the its website and the Unauthorised Email Address, by creating a likelihood of confusion with the Complainant's registered trademarks as to the source, sponsorship, affiliation, or endorsement of the fraudulent website.

The Complainant alleges that the Respondent has copied a substantial portion of the webpages available on the Complainant's website at "www.virginvoyages.com". Furthermore, the fraudulent emails associated with the scam claim to be from the founder and chairman of the Virgin Group. These facts make it evident that the Respondent was fully aware of the Complainant and the Virgin Voyages business at the time of registering the disputed domain name.

The Complainant contends that the Respondent is very likely engaged in a pattern of bad faith behavior, citing domain names and WhoIs details that are highly likely to be linked to or directly controlled by the Respondent. Given these factors, the Complainant asserts that the disputed domain name has been registered and is being used in bad faith, and therefore falls under paragraph 4(a)(iii) of the Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three elements are present:

- (i) the disputed domain name registered by the Respondent 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 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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel is satisfied that the Complainant is the owner of the trademarks VIRGIN and VIRGIN CRUISES registered in several jurisdictions.

The disputed domain name incorporates the Complainant's trademarks VIRGIN and VIRGIN CRUISES in their entirety, along with the additional term "ship". In this regard, the Panel considers mere addition of the term "ship" does not prevent a finding of confusing similarity with the Complainant's trademarks, as the Complainant's VIRGIN and VIRGIN CRUISES trademarks are recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

It is an accepted principle that generic Top-Level Domains (“gTLDs”), in this case “.com”, are to be typically disregarded in the consideration of the issue of whether a domain name is identical or confusingly similar to a Complainant’s trademark.

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s registered trademarks and that the requirements in paragraph 4(a)(i) of the Policy are fulfilled.

### **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 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 notes that the Respondent does not have any registered trademark or trade name and no license or authorization of any other kind has been given to the Respondent by the Complainant to use its registered trademarks. On the contrary, as evidenced by the Complainant’s assertions and submitted documents, the Respondent has used the disputed domain name incorporating the Complainant’s trademarks, falsely claiming to offer cruises similar to those provided by the Complainant and copying content from the Complainant’s website at its website associated with the disputed domain name. The evidence confirms that the Respondent’s website featured the Complainant’s registered trademarks, identical cruise destinations, as well as texts and images directly taken from the Complainant’s official website. Therefore, the Panel is of the opinion that the Respondent’s use of the disputed domain name was intended to create confusion with the Complainant, its registered trademarks, and its official website. Besides it is proven that the Respondent had created an email address with the disputed domain name and used it for phishing, targeting a member of the public and requesting to disclose sensitive information. These fraudulent activities do not support a finding of rights or legitimate interests in the disputed domain name on the part of the Respondent.

[WIPO Overview 3.0](#), section 2.13.1.

As a result, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and the requirements of paragraph 4(a)(ii) of the Policy are therefore fulfilled by the Complainant.

### **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 is satisfied with the relevant evidence filed by the Complainant showing that it owns trademark rights for VIRGIN and VIRGIN CRUISES, which have been registered and used for many years prior to the registration of the disputed domain name.

The Panel is of the opinion that it is implausible for the Respondent to be unaware of the Complainant and its trademarks when the disputed domain name was registered. The Respondent's intention upon registering the disputed domain name was to engage in impersonation, specifically targeting the Complainant and its trademark. This is demonstrated by the Respondent's prior use of the Complainant's trademarks, corporate logos, and content from the Complainant's official website on the website associated with the disputed domain name. Additionally, the Respondent created an email address with the disputed domain name and used it for sending phishing emails purportedly on behalf of the Complainant's founder and chairman. Panels have consistently held that the use of a domain name for illegal activities, such as impersonation, passing off, or other forms of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Furthermore, the current passive holding of the disputed domain name does not prevent a finding of bad faith.

The Panel also considers that by registering several domain names that are all confusingly similar to the Complainant's trademark, see for example, <virgincruisesships.com> (WIPO Case No. [D2023-2297](#), *Virgin Enterprises Limited v. Obi Frank*), the Respondent has engaged in a pattern of abusive registrations which is a further indicator of the Respondent's bad faith. [WIPO Overview 3.0](#), section 3.1.2.

Having considered all the facts in this case, the Panel finds that the Complainant has sustained its burden of proof in showing that the disputed domain name was registered and is being used 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 <virgincruisesship.com> be transferred to the Complainant.

*/Ugur G. Yalçiner/*

**Ugur G. Yalçiner**

Sole Panelist

Date: April 7, 2025