

## **ADMINISTRATIVE PANEL DECISION**

La Gardenia Service Y Travel, S.L. and The Art of Living in Spain S.L.U.  
v. Mary Rich

Case No. D2026-0662

### **1. The Parties**

The Complainants are La Gardenia Service Y Travel, S.L., Spain, and The Art of Living in Spain S.L.U., Spain, internally represented.

The Respondent is Mary Rich, United States of America.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 16, 2026. On February 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 17, 2026, 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 Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainants on February 18, 2026, 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 February 18, 2026.

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, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 13, 2026.

The Center appointed Mihaela Maravela as the sole panelist in this matter on March 18, 2026. 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**

According to information in the Complaint, the Complainants are La Gardenia Service Y Travel, S.L. ("Complainant No. 1") and The Art of Living in Spain S.L.U. ("Complainant No. 2", together the "Complainants"), both corporations are incorporated in Spain. The Complainant No. 1 is the registered owner of the trademark THE ART OF LIVING IN SPAIN (figurative), registered in Spain under Registration No. 4177944 on March 17, 2023, and covering services in class 37. The Complainant No. 2 is the operating entity commercially using the mentioned trademark.

The Complainants have used the above-mentioned trademark for their business in the field of real estate development and related services, including promotion, construction/renovation, and hospitality/residential services, and associated marketing and brokerage activities.

The disputed domain name was registered by the Respondent on January 12, 2026, after being allowed to lapse by the Complainants and was used to point to a website with adult content. At the date of the Decision, the disputed domain name no longer resolves to an active website.

No information is available on the Respondent apart from the data revealed by the Registrar.

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

##### **A. Complainants**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that they rely on registered trademark rights, and on long-standing use of the THE ART OF LIVING IN SPAIN trademark in commerce. The Complainants argue that the disputed domain name wholly incorporates the trademark THE ART OF LIVING IN SPAIN, merely eliminating spaces and adding the generic Top-Level Domain ("gTLD") ".com", and is therefore identical, or at minimum confusingly similar, to the Complainants' trademark.

As regards the second element, the Complainants submit that the Respondent is not affiliated with the Complainants and has never been licensed, permitted, or otherwise authorized to use the trademark THE ART OF LIVING IN SPAIN, or to register and use a domain name identical to that trademark. Also, there is no evidence that the Respondent has been commonly known by the disputed domain name. Furthermore, the Complainants submit that the disputed domain name resolves to a website hosting explicit adult content, pornography, which is not a bona fide offering of goods or services, and it is not a legitimate noncommercial or fair use. Instead, it constitutes intentional tarnishment of the Complainants' mark and goodwill and diverts Internet users who are looking for the Complainants' real estate business or Spanish lifestyle.

With respect to the third element, the Complainants contend that their trademark rights predate the Respondent's registration of the disputed domain name, and that the Complainants' business and brand have been publicly associated with its trademark and with the disputed domain name for many years, the Complainants submitting evidence of how the disputed domain name was used for their business before they allowed it to lapse (for reasons which are not explained in the Complaint). As regards the use, the Complainants argue that the Respondent's acquisition of the disputed domain name immediately after its expiration constitutes opportunistic re-registration, indicative of bad-faith. In addition, by using the disputed

domain name to host explicit adult content, the Respondent intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainants' trademark as to source, sponsorship, affiliation, or endorsement.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **6.1. Preliminary Issue – Consolidation of multiple Complainants**

Given that the Complainant No. 1 and the Complainant No. 2 belong to the same group of companies and enjoy in that position rights in the THE ART OF LIVING IN SPAIN trademark, both of the Complainants have a specific common grievance against the Respondent. Consolidation is also equitable and procedurally efficient. Therefore, the Panel accepts this Complaint filed by the Complainants (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.11.1). The Complainants will hereafter be referred to as the "Complainant".

### **6.2. Substantive matters**

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Likewise, paragraph 10(d) of the Rules, provides that "the Panel shall determine the admissibility, relevance, materiality and weight of the evidence".

No response has been received from the Respondent in this case. Even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. 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.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. [WIPO Overview 3.1](#), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.1](#), section 4.3.

The Panel has taken note of the [WIPO Overview 3.1](#), and, where appropriate, will decide consistently with the consensus views stated therein.

### **A. Identical or Confusingly Similar**

Under paragraph 4(a)(i) of the Policy, the Complainant must prove that it has rights to a trademark, and that the disputed domain name is identical or confusingly similar to that trademark. This first element under the Policy functions primarily as a standing requirement. [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown rights in respect of the trademark THE ART OF LIVING IN SPAIN for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

As regards the second limb of the first element, the test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7. It has also long been held that gTLDs are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. See section 1.11.1 of the [WIPO Overview 3.1](#).

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 that 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 3.1](#), 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.

There is no evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. The disputed domain name resolved to an active website with adult content. Also, the Complainant contends that the disputed domain name was registered opportunistically by the Respondent after the previous registration by the Complainant was allowed to lapse. In the circumstances, the Panel considers that such use does not confer rights or legitimate interests on the Respondent. The Respondent has not replied to the Complainant’s contentions, claiming any rights or legitimate interests in the disputed domain name.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

By registering the disputed domain name after it was inadvertently allowed to lapse following a period of registration and use by the Complainant, and in circumstances where the Complainant's trademark rights predate the registration of the disputed domain name, and by using it in the manner described above, the Panel on balance finds that the Respondent registered the disputed domain name in bad faith as it more likely knew or should have known of the Complainant and its trademark. As regards the use of the disputed domain name, from the uncontested evidence in the case file, it results that the disputed domain name was used for a website with explicit adult content. Such (unrelated to the Complainant's business) use of the disputed domain name, which is identical to the Complainant's trademark, is likely to unduly profit from the value of the Complainant's trademark and may result in its tarnishing. In addition, the Respondent concealed its identity through the use of a proxy service. Therefore, the Panel finds that the disputed domain name has been used in bad faith.

Moreover, the Respondent has not formally participated in these proceedings and has failed to rebut the Complainant's contentions.

The fact that the disputed domain name no longer resolves to an active website does not change the Panel's findings.

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 <theartoflivinginspain.com> be transferred to the Complainants.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: March 23, 2026