

ADMINISTRATIVE PANEL DECISION

Westgate Resorts, Ltd. v. DNS ADMIN, BEST WEB LIMITED

Case No. D2026-3320

1. The Parties

The Complainant is Westgate Resorts, Ltd., United States of America ("United States"), represented by Greenspoon Marder, LLP, United States.

The Respondent is DNS ADMIN, BEST WEB LIMITED, Hong Kong, China, represented by Muscovitch Law P.C., Canada.

2. The Domain Name and Registrar

The disputed domain name <westgate.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 27, 2026. On July 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 30, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 3, 2026, 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 5, 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 August 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2026. The Response was filed with the Center on August 27, 2026. The Complainant submitted a supplemental filing on September 8, 2026. The Respondent submitted a supplemental filing on September 18, 2026.

The Center appointed Michael A. Albert, Andrew D. S. Lothian, and Adam Taylor as panelists in this matter on October 6, 2026. The Panel finds that it was properly constituted. Each member of 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 Florida limited partnership, which is a wholly-owned subsidiary of Central Florida Investments, Inc. ("CFI"), a Florida corporation. The Complainant operates multiple resort and vacation time-share properties.

CFI is the owner of United States Registered Trademark Number 8270326 for the word mark WESTGATE, registered on May 26, 2026, in Classes 35, 36, and 43 (broadly speaking, hotel management services, time-share real estate and property management, and hotel accommodation services). Said mark contains a claim of first use of January 31, 1982. The Complainant notes that it uses such mark under license and further claims unregistered trademark rights in the mark WESTGATE based upon use since 1982. The Complainant also states that it has used the domain name <westgateresorts.com> for its official website since 1997. The Complainant does not produce supporting evidence regarding its claim to unregistered trademark rights in the mark WESTGATE beyond the facts already noted here and a formal declaration prepared by the Chief Operating Officer of the Complainant, who is also a Director and the Corporate Secretary of CFI. Said declaration is not accompanied by further documentary evidence concerning the claim to unregistered trademark rights and largely consists of conclusory allegations on this topic. The Complainant also however states that the panel in *Westgate Resorts, L.L.C. v. Josh Shampo*, WIPO Case No. [D2024-1620](#) (a member of the Panel in the present case) found that the complainant in that case had such unregistered trademark rights. Aside from the minor discrepancy that the Complainant in the present case appears to have a different corporate identifier, namely Westgate Resorts, Ltd., it does appear to the Panel that the complainant in the said previous case and the present Complainant are one and the same.

The Complainant is not the only operator of a hotel business in the United States under a WESTGATE-formative trademark. The Respondent points out that The Westgate Hotel of San Diego, United States, operates under United States Registered Trademark Number 1672259 for the word mark THE WESTGATE. CFI's application for its WESTGATE registered trademark, dated October 6, 2025, itself acknowledges concurrent use alongside the said San Diego hotel.

The disputed domain name was registered on July 28, 1995. The Complainant's screenshot of its attempt to access the website associated with the disputed domain name, dated July 23, 2026, shows that a service named "FortiGuard Intrusion Prevention" has blocked such access on the basis of the category, "Malicious Websites". The Complainant shows, by using a different service to access the website associated with the disputed domain name, that the disputed domain name redirects to the Respondent's website at "www.bestweb.com", which website promotes the Respondent's "[...] curated portfolio of rare digital assets: category-grade domains with the potential to anchor technology platforms, AI ventures, trusted market leaders, and enduring global brands". In other words, the said website offers domain names from the Respondent's portfolio for sale.

The Respondent, BEST WEB LIMITED, is a limited company organized under the laws of Hong Kong, China, and was incorporated under company number 2167221 in about November 2014 by Mr. Murat Yikilmaz, a Turkish citizen, resident of Istanbul, and domain name investor, in order to hold his domain names. The said company's details are confirmed by the Respondent's incorporation papers (noting that the date is obscured on Mr. Yikilmaz's Director Declaration, but nothing turns on this). The purpose of the said company is asserted by Mr. Yikilmaz in a formal declaration, as is the fact that there has been no change in the beneficial ownership or control of the disputed domain name since April 18, 2007.

Mr. Yikilmaz acquired the disputed domain name in his individual capacity for USD 7,500 on or about April 18, 2007, from an individual whose surname was Westgate. The acquisition of the disputed domain name is confirmed by historic Whois entries (showing an address for Mr. Yikilmaz in Istanbul, Türkiye) and an escrow transaction summary produced by the Respondent. The term “DNS ADMIN” noted in the registrant name field regarding the disputed domain name is stated by the Respondent in its said formal declaration to be the title which it uses in such field for its domain names. A number of previous cases under the Policy, such as, for example, *Easton Corp Pty Ltd v. Privacydotlink Customer 951873 / DNS Admin, Best Web Limited*, WIPO Case No. [D2016-1975](#), have confirmed the existence of an unbroken chain of title from Mr. Yikilmaz to the Respondent in respect of the relevant portion of the Respondent’s portfolio of domain names, i.e., those transferred to it by Mr. Yikilmaz after its incorporation, in accordance with applicable precedent under the Policy. See, for example, WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 3.9. The precise date of transfer of the disputed domain name to the Respondent does not appear on the record, due to historic Whois entries showing the registrant as a privacy service, but nothing turns on this.

With reference to further escrow transaction summaries, the Respondent shows that Mr. Yikilmaz acquired multiple domain names incorporating geographic locations or terms in about April and May 2007, i.e., around the time that the disputed domain name was acquired. For example, these include various domain names featuring “cityof[city name]” in the “.com” generic Top-Level Domain space, together with <eastcleveland.com>, <kirkwall.com>, <northbranford.com>, <southhouston.com>, and <westcolumbia.com>. The summaries feature approximately 270 domain names, and the Panel has only assessed a representative number as consisting of geographic locations or terms.

The Respondent shows that multiple geographic localities are named “Westgate” or have “Westgate-” formative names, and that this was the case when the disputed domain name was acquired by Mr. Yikilmaz. The Respondent also shows that multiple companies and organizations have a name and/or trademark featuring the term “Westgate”. With reference to the Complainant’s reputation at the point when the disputed domain name was registered, the Respondent produces a screenshot of the Complainant’s website as of April 6, 2007, which shows that it had around nine locations, i.e., substantially less than mentioned in the formal declaration of the Complainant’s Chief Operating Officer, which refers to it providing consumer services for nearly sixty properties since 1982.

The Complainant produces a DomainTools report regarding the disputed domain name, which shows a series of historic screenshots demonstrating the use of the disputed domain name after it was acquired by Mr. Yikilmaz. The earliest of these is taken on December 5, 2007, and shows that the disputed domain name was pointed to a page of advertising links related to vacations. This use continues through October 3, 2008. In 2012, the corresponding page does not appear to contain any links but rather references the disputed domain name alone. From 2013 to about 2019, the page contains advertising links that do reference the Complainant’s business, such as “Westgate Resorts” and “Westgate Timeshare”.

On September 29, 2025, the Complainant approached a domain name broker at the Registrar with a view to making an approach to the registrant of the disputed domain name “[...] to gauge their interest in selling” it. On the same day, the said broker responded to the Complainant noting “[...] [the disputed domain name] is a very high-end acquisition [...] Pricing is very difficult to project at this juncture, but it’s usually a 6-figure investment to upgrade to a domain like [the disputed domain name]”. On September 30, 2025, the Complainant replied to said broker indicating that they would like to try to “open the conversation” at a price of USD 10,000. On October 2, 2025, said broker replied stating that it would “begin the outreach” to the registrant of the disputed domain name. The Complainant states that an offer of USD 10,000 was communicated to the Respondent for the disputed domain name, although there is no evidence in the present record that an offer in this amount was made. However, nothing turns on this discrepancy.

On October 3, 2025, said broker wrote to the Respondent offering USD 20,000 for the disputed domain name, described as the initial offer provided from the potential buyer. This email appears to have been addressed directly to the Respondent and was followed up by an email addressed to “Domain Owner” in similar terms the following day. At some point between October 4, 2025, and October 6, 2025, the

Respondent replied to said broker stating "Thank you for your inquiry about the domain name. The price for this premium domain is USD 6 million net". This email was acknowledged by said broker on October 6, 2025. Said broker duly relayed the Respondent's position to the Complainant on the same day along with the comment, "My expectation is that they will have flexibility with this price, but we will need to have an impactful counteroffer to continue the conversation". It would appear that negotiations did not proceed beyond this point.

The Respondent produces copies of broker inquiries from 2025, regarding other domain names in its portfolio, which show that it replied to each with a single line email quoting a price in USD in the millions for the domain name concerned.

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 is identical or confusingly similar to its registered WESTGATE trademark. It further claims unregistered trademark rights in the WESTGATE mark and in the mark WESTGATE RESORTS by virtue of having used these marks continuously and exclusively in commerce in connection with its services since 1982. The Complainant further contends that since 1997 it has continuously owned and operated the domain name <westgateresorts.com>, which hosts the website providing the Complainant's existing and potential customers with an online platform.

The Complainant submits that its rights are senior to any rights of the Respondent, to the extent the Respondent claims any rights, which the Complainant submits it does not appear to do based on its lack of use of the WESTGATE mark. Specifically, the Complainant asserts that it is the senior user of the mark because it has used same since 1982, whereas the disputed domain name was not registered or "used" by the Respondent until 2007 at the earliest. The Complainant therefore submits that, through its senior, continuous, and exclusive use of the marks in commerce and on its website, the Complainant has acquired valid and enforceable rights in the marks that predate any use by the Respondent.

The Complainant further submits that where a disputed domain name incorporates the entirety of the complainant's trademark, such domain name is "identical or confusingly similar" as those terms are defined in the Policy and it contends that the disputed domain name is identical to the Complainant's WESTGATE mark and confusingly similar to each of the Complainant's other marks.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name because (i) there is no relationship between the Complainant and the Respondent and the Complainant did not authorize or otherwise give permission to the Respondent to use its marks; (ii) the Complainant's marks are well-known; (iii) the Respondent is not known under the disputed domain name; (iv) the disputed domain name use is not a bona fide use; and (v) the disputed domain name is primarily descriptive of the Complainant's services by incorporation of the Complainant's mark.

The Complainant submits that there is no evidence that the Respondent's use of the disputed domain name relates to a bona fide offering of goods or services and asserts that all available evidence leads to the sole conclusion that the Respondent's use of the disputed domain name and the Complainant's mark is simply as a redirect to a different domain name and to hold the disputed domain name for sale at a vastly inflated rate. It asserts that neither of these purposes establish any rights or legitimate interests in the disputed domain name.

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. In particular, it notes that panels under the Policy have categorically held that the passive holding of a domain name can constitute bad faith registration and use and that this is particularly the case where the totality of the factors (including widespread recognition of the mark and other indicia of bad faith) weigh in favor of such a finding.

The Complainant further contends that bad faith registration of a domain name may be inferred by a registrant's knowledge that the domain name incorporated a mark used by a third-party if the registrant had such knowledge at the time the domain name was registered. It submits that in the present case, it is clear that the Respondent was aware of the Complainant's extensive use of the "Westgate" name in connection with resort properties across the United States as a function of the Complainant's extensive marketing and advertising, and because the Respondent offered to sell the disputed domain name to the Complainant.

The Complainant submits that the Respondent's attempt to sell the disputed domain name for USD 6 million to the Complainant plainly constitutes evidence of the Respondent's bad faith registration and use of the disputed domain name, and the evidence therefore strongly indicates that the disputed domain name was registered in bad faith primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant or a competitor for valuable consideration far in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

The Respondent acknowledges that the Complainant's parent holds a United States registered trademark for WESTGATE which corresponds to the disputed domain name, that the Complainant may rely upon it as licensee, and that the Complaint therefore satisfies the requirements of paragraph 4(a)(i) of the Policy. It notes however that the Complainant also invokes claimed unregistered rights, and submits that this adds nothing to the analysis, that the disputed domain name is identical to the word "Westgate" and to nothing else, and that the Complainant has provided no evidence of secondary meaning. The Respondent states that its acknowledgement of the first element is not a concession that WESTGATE had acquired any secondary meaning in 2007, that it is distinctive of the Complainant outside of the United States time-share field, or that the Complainant enjoyed or enjoys any reputation in Türkiye or Hong Kong, China.

The Respondent contends that panels recognize that aggregating and holding domain names for resale, including dictionary words and common phrases, can be bona fide where the registration did not target a trademark, adding that panels tend to look at factors such as the status and fame of the relevant mark and whether the respondent has registered and legitimately used other domain names containing dictionary words or phrases. The Respondent submits that the Complainant has not demonstrated any particular status or fame at any time, let alone prior to the registration of the disputed domain name in 2007, and that the Respondent's pattern of registering comparable geographic and dictionary word domain names has been established.

The Respondent further submits that in order for the Complainant to satisfy the second element under the Policy, the Panel must find that the Respondent has a total lack of any right or legitimate interest, not merely that the Complainant has a purported better one.

The Respondent contends that it has long been held in cases under the Policy that where a domain name is a common term, the first person to register it in good faith is entitled to the domain name and this is considered a "legitimate interest", and that the Respondent's legitimate interest, first and foremost, stems from having acquired the geographic and surname disputed domain name, for value and from a Mr. Westgate, at a time when it was not subject to any demonstrated trademark rights held by the Complainant.

The Respondent asserts that at the time of registration, Mr. Yikilmaz had never heard of the Complainant or its mark, and was of the view that no one company could claim exclusive rights in a common place name and surname. It states that it uses the disputed domain name in connection with its business of investing in generic, geographic and surname domain names, and that it has long been held that speculating in and trading in domain names such as the disputed domain name can constitute a legitimate interest under the Policy.

The Respondent further contends that from any fair review of its contemporaneous purchases and of its website, it is readily apparent that the Respondent's portfolio overwhelmingly comprises dictionary words, geographic locations, surnames and acronyms, consistent with the Respondent's explanation for its acquisition of the disputed domain name.

The Respondent notes that the Policy requires the Complainant to prove bad faith registration and bad faith use, and the Complainant must therefore demonstrate that the Respondent acquired the disputed domain name, on April 18, 2007, specifically in order to target the Complainant's mark. It also contends that nothing in the disputed domain name's subsequent use alters the evidence concerning the Respondent's reasons for acquiring the disputed domain name as a geographic term in 2007.

The Respondent further contends that the Complainant made a merely conclusory allegation that the Respondent "was aware of the Complainant's extensive use of the Westgate name" in 2007 "as a function of the Complainant's extensive marketing and advertising" which it states was made without any evidence of what that marketing and advertising consisted of or reached, in 2007 or at any time.

The Respondent further notes that the Complainant relies upon paragraph 4(b)(i) of the Policy, contending that the Respondent registered the disputed domain name "primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant or a competitor", but contends that the Policy requires that the purpose must specifically be to sell to the Complainant or a competitor of the Complainant, not generally, and submits that there is no evidence of any such purpose in the present case.

The Respondent submits that a price cannot possibly have been directed at the Complainant when the Respondent did not even know that the enquiry came from the Complainant, and that responding to an unsolicited offer to purchase is not bad faith.

The Respondent further contends that the Complainant's reliance upon the "passive holding" doctrine under the Policy, is misplaced, submitting that "Westgate" is a common place name and surname for which countless good faith uses are not only conceivable but are actually being made by third parties all over the world, and the Respondent has appeared, identified itself, and provided a detailed and documented explanation of its registration.

The Respondent notes the Complainant's assertion that the disputed domain name is "flagged by some internet service providers as a malicious website". The Respondent asserts that the document relied upon by the Complainant is not from an Internet service provider but rather is a "Web Filter Violation" page generated by a corporate web filter, stating that the user "tried to access a web page that is in violation of your Internet usage policy". The Respondent contends that this appears to be the standard block page displayed by a firewall appliance to employees on an organization's own network, in this case evidently the Complainant's, and as such it is not evidence of malware or of anything else about the disputed domain name.

Finally, the Respondent asserts that the Complainant has provided no explanation whatsoever for its delay in challenging the Respondent's registration of the disputed domain name and contends that the delay of more than 18 years since the Respondent acquired it, and more than 30 years since it was created, raises the inference that the Complainant was not confident in the merits of its claim for entitlement to same. The Respondent further asserts that it is clear from the communications between the Complainant and its broker that it coveted the disputed domain name and was originally interested in purchasing it, and that its gripe is with the asking price.

6. Discussion and Findings

6.1. Preliminary Issue: Parties' Supplemental Filings

Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. [WIPO Overview 3.1](#), section 4.6.

Panels have sole discretion, under paragraphs 10 and 12 of the Rules, whether to accept an unsolicited supplemental filing from either party, bearing in mind the need for procedural efficiency, and the obligation to treat each party with equality and ensure that each party has a fair opportunity to present its case. The party submitting a supplemental filing would normally need to show its relevance to the case and explain why it was unable to provide that information in the complaint or response (for example, owing to some exceptional circumstance).

As noted above, the Complainant filed an unsolicited Supplemental Filing on September 8, 2026, and the Respondent filed an unsolicited Supplemental Filing on September 18, 2026. The essence of the Complainant's Supplemental Filing is that it should be allowed to address three principal matters that could not have been anticipated when it filed the Amended Complaint, namely, first, that the Respondent has admitted that it invests in domain names, secondly, that the Respondent has confirmed that Mr. Yikilmaz registered the disputed domain name on April 18, 2007 (in light of which the Complainant wishes to discuss screenshots showing the use of the disputed domain name after that time), and thirdly, that because some of the said screenshots reference vacations in Orlando, Florida, United States (thereby allegedly referencing the Complainant indirectly) the Complainant wishes to put forward an assertion that the Respondent has made false statements regarding its claimed lack of knowledge of the Complainant at the material time. On this topic, the Complainant adds that it is the only entity that operates in the vacation, hotel, or resort industries in Florida, United States using the name "Westgate".

The essence of the Respondent's Supplemental Filing is, as a preliminary matter, that there are no exceptional circumstances justifying the admission of the Complainant's Supplemental Filing because the matters raised in it were either known to the Complainant or in its reasonable contemplation at the time when it filed the Amended Complaint. Secondly, if the Panel is minded to admit the Complainant's Supplemental Filing, the Respondent asks that the remainder of its own said filing be admitted too, consisting of an answer to the matters raised in the Complainant's said filing.

The Panel finds that the Complainant's three principal points described above were either known to it or within its reasonable contemplation when it filed the Amended Complaint. Notably, first, the fact that the Respondent invests in domain names was or should have been known to the Complainant at that point. The Complainant produced a screenshot of the website associated with the disputed domain name as part of its Annex 8 showing that this redirects to the Respondent's "BestWeb" site, which describes the fact that the Respondent is such an investor, sets out its domain name ("premium digital asset") investment strategy and lists "selected digital assets", all of which are domain names. Furthermore, a modicum of research conducted into the Respondent's corporate identity after the Complainant had received the Registrar-verified registrant information on August 3, 2026, would separately have revealed the relevant information, not least via consideration of *Easton Corp Pty Ltd v. Privacydotlink Customer 951873 / DNS Admin, Best Web Limited, supra*, in which the Respondent's activities and its connection to Mr. Yikilmaz are discussed.

Secondly, the Complainant stated in the Amended Complaint on information and belief that the Respondent acquired the disputed domain name on or after June 29, 2007. There is no material difference between that date and the actual acquisition date of April 18, 2007, as far as the record is concerned. It should particularly be noted that the screenshots on which the Complainant wishes to comment were already inserted by it in the record within its Annex 7. This document was produced both with the Complaint and the Amended Complaint. The earliest of the Annex 7 screenshots post-dating the acquisition of the disputed domain name by the Respondent is dated December 5, 2007, i.e., post-dating the Complainant's presumed acquisition

date of the disputed domain name by about five months. In other words, the Complainant could have commented on this and other screenshots, which it had already produced, in the Complaint or Amended Complaint, based upon the presumed acquisition date upon which it had relied. Thirdly, the alleged false statement by the Respondent in fact arises from the same screenshots that the Complainant had produced and there is no reason in the Panel's view that the Complainant could not have anticipated the Respondent's likely position as to prior knowledge of the Complainant.

In these circumstances, the Panel rejects the Complainant's request to admit its Supplemental Filing and determines that neither of the Parties' Supplemental Filings will be admitted to the record (beyond the details of the Complainant's request for such admission and the Respondent's objection thereto, as discussed above). The Panel notes, for completeness, that even if the Complainant's Supplemental Filing had been admitted, this would not have made any difference to the outcome of the administrative proceeding.

6.2. Substantive Issues

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. In light of the existence of such registered mark, it is not necessary for the Panel to examine the Complainant's claim to unregistered trademark rights for the purposes of this element of the Policy.

While the relied-upon mark is registered to the Complainant's parent company, a trademark owner's affiliate such as a subsidiary of a parent or of a holding company is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. [WIPO Overview 3.1](#), section 1.4.1.

The applicable Top-Level Domain in a domain name (e.g., ".com", ".club", ".nyc") (here, ".com") is viewed as a standard registration requirement and as such may be disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

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 notes for completeness that the Respondent acknowledges that the Complaint satisfies the requirements of paragraph 4(a)(i) of the Policy, while not conceding that the WESTGATE mark had acquired any secondary meaning in 2007, or that the Complainant enjoyed any reputation where Mr. Yikilmaz or the Respondent are based.

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

B. Rights or Legitimate Interests

The requirements of paragraph 4(a) of the Policy are conjunctive. A consequence of this is that failure on the part of a complainant to demonstrate one element of the Policy will result in failure of the complaint in its entirety. Accordingly, in light of the Panel's findings in connection with the third element assessment under the Policy, as discussed below, it is not necessary for the Panel to address the issue of the Respondent's rights or legitimate interests in the disputed domain name, and the Panel declines to do so for reasons of economy in decision-making.

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.

Panels under the Policy have typically determined that for bad faith registration and use to be made out there must be a degree of targeting of a complainant or its mark, or at the very least that a respondent must have had the complainant or its trademark in mind when selecting the disputed domain name. The requirement of paragraph 4(a)(iii) of the Policy is often described as “conjunctive” in that both registration and use in bad faith must be established for this element to be made out. Establishing use in bad faith without establishing registration in bad faith would therefore be insufficient for success under this element of the Policy.

The Panel notes the Respondent’s comments regarding the Complainant’s delay in bringing the present administrative proceeding. However, panels under the Policy have widely recognized that mere delay between the registration of a domain name and the filing of a complaint neither bars a complainant from filing such case, nor from potentially prevailing on the merits, although such a delay may make it more difficult for a complainant to establish its case on the merits. [WIPO Overview 3.1](#), section 4.17.

In the present case, the Panel notes that Mr. Yikilmaz acquired the disputed domain name on April 18, 2007. Although he later transferred the disputed domain name to the Respondent, the Panel does not deem this transfer to amount to a new registration for Policy purposes, because, as indicated in the factual background section above, underlying it is an unbroken chain of beneficial ownership and control of the disputed domain name by Mr. Yikilmaz, from April 18, 2007, to the present (see, for example, *Easton Corp Pty Ltd v. Privacydotlink Customer 951873 / DNS Admin, Best Web Limited*, *supra*).

Consequently, the relevant date for the Panel’s assessment of the question of registration in bad faith is April 18, 2007. The Respondent comprehensively shows that around that date Mr. Yikilmaz was in the course of acquiring a portfolio of domain names consisting of geographic terms. The evidence on the record demonstrates to the Panel’s satisfaction that “Westgate” has substantial geographic and surname significance independent of the Complainant. There is thus a plausible basis on the record for Mr. Yikilmaz’s acquisition of the disputed domain name as part of his investment portfolio that would not lead the Panel to infer any targeting of the Complainant’s rights at the material time.

The Complainant nevertheless maintains that the Respondent (and by implication Mr. Yikilmaz) had knowledge of and intent to target the Complainant when the disputed domain name was acquired. Mr. Yikilmaz, in his formal declaration, denies such knowledge and intent. The Complainant does not produce any evidence that would satisfy the Panel that the Complainant’s use of the name “Westgate” in 2007 had transcended the multiplicity of worldwide geographic, or surname uses, whereby it would more probably than not have come to Mr. Yikilmaz’s attention, and might thus provide any foundation for an assertion of registration in bad faith.

Notably, as far as the Complainant’s claimed reputation or goodwill is concerned, the formal declaration by the Complainant’s Chief Operating Officer is brief and conclusory, and it provides no sales, advertising, or media figures relative to the Complainant’s activities at the material time. While the record indicates that the Complainant operated under a “Westgate” domain name, i.e., <westgateresorts.com>, whereby the associated website would hypothetically have been reachable in Mr. Yikilmaz’s location, there is no evidence as to the extent or prominence of such online presence in 2007. The Respondent’s own evidence shows that the Complainant’s business had around nine locations in 2007, and none in Türkiye or Hong Kong, China, suggesting that it would be unlikely that Mr. Yikilmaz (being apparently based in Türkiye, per the 2007 historic WhoIs record) was aware of it.

As noted in the factual background section above, a previous panel under the Policy found that the Complainant possessed unregistered trademark rights in the WESTGATE mark, namely in the case of *Westgate Resorts, L.L.C. v. Josh Shampo, supra*. However, while the Panel acknowledges such finding of unregistered rights, there does not appear to be anything to be taken from that case that would support the notion that Mr. Yikilmaz knew of the Complainant or its rights, or for that matter that such unregistered rights had necessarily arisen at the point when he registered the disputed domain name in 2007. The domain name concerned in the said previous case was registered on June 11, 2023. It had originally been registered by the Complainant in 2004, held for 19 years, but later was inadvertently allowed to lapse, whereupon it was registered by the respondent. The issue and factual matrix is therefore somewhat different from that in the present case, and it does not assist the Panel on the question of registration in bad faith here.

Considering the evidence as a whole, the Panel finds the Respondent's position more persuasive on the question of Mr. Yikilmaz's likely knowledge of the Complainant or its rights, and finds that the Complainant has not discharged its burden in that respect.

The Complainant goes on to indicate that the Respondent's application of a USD 6 million price to the disputed domain name shows targeting. However, it must be noted that the Respondent did not know the identity of the potential buyer, as negotiations were conducted anonymously. No evidence has been produced by the Complainant to support any notion that the Respondent would have intuited that it was dealing with the Complainant in particular, as opposed to one of the myriad other companies and people that might be interested in the term "Westgate" in a domain name. The Respondent shows that its reply to the broker's inquiry is consistent with those it made in response to inquiries regarding other domain names in its portfolio, thus demonstrating that the Complainant was not singled out for special treatment. Furthermore, insofar as the Respondent's valuation of the disputed domain name might be relevant to the matter in hand, it cannot be overlooked that the Complainant's own broker noted in its advice to the Complainant that, "it's usually a 6-figure investment to upgrade to a domain like [the disputed domain name]", and later added his expectation that the Respondent would have "flexibility with this [the USD 6 million] price". Crucially, there is nothing in the record, including the Parties' negotiations regarding a possible sale of the disputed domain name, that suggests that when Mr. Yikilmaz registered it in April 2007 he did so with intent to sell the disputed domain name to the Complainant or to a competitor of the Complainant, i.e., that he acted in a manner that makes out any case under paragraph 4(b)(i) of the Policy.

The Complainant makes a claim that the disputed domain name has been passively held by the Respondent, arguing that this constitutes evidence of registration and use in bad faith. In the Panel's opinion, Mr. Yikilmaz's and the Respondent's pointing of the disputed domain name to a variety of pages consisting of advertising links, and latterly to a page promoting the Respondent's business, are active uses, not passive ones. Even if the use of the disputed domain name did constitute passive holding, the Complainant has not established, on the present record, any of the factors typically considered relevant in applying the passive holding doctrine, such as (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 taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent's registration agreement). [WIPO Overview 3.1](#), section 3.3. With regard to the concealment of identity point, the Panel notes that the Respondent did use a privacy service to mask its details on the public Whois record, but nothing turns on this as such use is now commonplace, and the Respondent's underlying identity was promptly disclosed by the Registrar and was not concealed in this proceeding.

The Complainant also points to the page from its "FortiGuard Intrusion Prevention" service which has categorized the website associated with the disputed domain name as malicious. As far as the Panel can tell, this is a filter applied by the Complainant's own firewall provider and is not evidence of the distribution of malware or any other kind of malicious activity caused by the website associated with the disputed domain name. The Complainant has shown that the website was flagged by its service provider, but has not established why it was flagged beyond its presence in a "Malicious Websites" category. There is no evidence as to why such website was categorized on that basis in the service provider's database, and in the

absence of further information, the Panel accepts the Respondent's submission that this is not itself conclusive of online malicious activity. Even if actual malicious activity had been established, this matter would go to use in bad faith today and would not necessarily establish registration in bad faith in 2007 in the particular circumstances of this case.

Before leaving this topic, the Panel notes that it cannot overlook the historic presence of advertising links on the website associated with the disputed domain name which appear to reference the Complainant's business directly, as indicated by the Complainant's DomainTools report. A respondent cannot disclaim responsibility for content appearing on the website associated with its domain name. [WIPO Overview 3.1](#), section 3.5. However, while the presence of these links might support a claim of use in bad faith, this does not translate into registration in bad faith in the present case because the targeted links only appear in screenshots dating from 2013 onwards, in other words, about six years after the disputed domain name was registered. As far as the Panel can tell from the screenshots predating this, i.e., between 2007 and 2013, the disputed domain name pointed to a generalized vacation page which would not be an inappropriate choice for a geographic term, followed by mostly blank pages, and this does not in itself indicate any intention to target the Complainant in 2007. The screenshots are presented as thumbnails and so are lacking in detail, but, so far as visible, the Panel has not identified any particular focus on the Complainant's resorts. There is therefore what might be termed a substantial temporal disconnect between the acquisition of the disputed domain name and the publication of the targeted links, whereby these provide little if any insight into the Respondent's state of mind when the disputed domain name was acquired. Consequently, the Panel finds that use of the disputed domain name with targeted advertising years after its acquisition does not establish bad faith at the point of registration, particularly when viewed alongside evidence that Mr. Yikilmaz acquired multiple domain names containing terms of geographic significance contemporaneous with such registration.

In all of these circumstances, the evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

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

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/
Andrew D. S. Lothian
Presiding Panelist

/Michael A. Albert/
Michael A. Albert
Panelist

/Adam Taylor/
Adam Taylor
Panelist
Date: October 15, 2026