

## **ADMINISTRATIVE PANEL DECISION**

VUR Village Trading No 1 Limited v. M. Oomen  
Case No. D2025-0023

### **1. The Parties**

Complainant is VUR Village Trading No 1 Limited, United Kingdom, represented by Taylor Wessing LLP, United Kingdom.

Respondent is M. Oomen, Netherlands (Kingdom of the).

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

The disputed domain name <thevillagehotels.com> is registered with Register SPA (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 3, 2025. On January 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 7, 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 Complainant on January 8, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 10, 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 Respondent of the Complaint, and the proceedings commenced on January 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2025. Respondent did not submit any response by the Response due date. Accordingly, the Center notified the Respondent’s default on February 5, 2025. On February 5, 2025, Respondent sent an email communication to the Center requesting a four-day extension to submit the Response. On February 7, 2025, the Center confirmed that the Response due date was extended to February 6, 2025, and sent an email regarding a possible settlement to the Parties. Complainant did not

request the suspension. The Center informed the Parties that the Center would proceed with panel appointment process on February 14, 2025.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on February 20, 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**

Complainant, VUR Village Trading No 1 Limited, is a United Kingdom company that owns and operates a chain of hotels in the United Kingdom. Complainant owns and uses the brand name VILLAGE and formatives thereof for its chain of hotels and owns several VILLAGE and VILLAGE formative marks in connection therewith. These include, inter alia, (i) United Kingdom registrations for VILLAGE HOTELS (Registration No. UK00003133461 that issued to registration on March 18, 2016) and VILLAGE (Registration No. UK00001469101 that issued to registration on February 14, 1997), and (ii) European Union registration for VILLAGE HOTELS (Registration No. 14764781 that issued to registration on March 9, 2016) and VILLAGE (Registration No. 004982021 that issued to registration on July 29, 2010). Complainant also owns and use the domain name <village-hotels.co.uk> for a website concerning Complainant's hotels and providing consumers the ability to book reservations at Complainant's hotels.

Respondent, according to the Whois records, is based in the Netherlands (Kingdom of the). Respondent registered the disputed domain name on October 6, 2024. Currently the disputed domain name is suspended and a web page advising as much is posted at the disputed domain name.

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

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it owns and operates a highly successful chain of VILLAGE-branded hotels in the United Kingdom and as such owns substantial rights in the marks VILLAGE HOTELS, VILLAGE, and other VILLAGE-formative marks in connection with its hotels

Complainant asserts that the disputed domain name is identical to its VILLAGE HOTELS mark as it fully incorporates the VILLAGE HOTELS mark with the non-distinguishing article "the."

Complainant maintains that Respondent does not have rights or legitimate interests in the disputed domain name as Respondent (i) is not using the disputed domain name with a bona fide offering of goods or services, (ii) registered the disputed domain name without providing any information about himself or herself, (iii) has no license or authorization from Complainant to use Complainant's intellectual property, and (iv) is not commonly known by the disputed domain name.

Lastly, Complainant argues that Respondent has registered and used the disputed domain name in bad faith to "block Complainant's use of the Domain Name," which is based on Complainant's VILLAGE HOTELS mark. Complainant further argues that Respondent registered the disputed domain name to attract and redirect Internet users to Respondent's website. Lastly, Complainant argues that the disputed domain name was registered to create confusion as consumers will likely believe the disputed domain name is connected to Complainant and its hotels.

## **B. Respondent**

Respondent did not reply to the Complainant's contentions. However, by email to the Center dated February 5, 2025, Respondent informally responded. In that email, Respondent maintained that she "legally acquired and registered the domain in full compliance with regulations." Respondent further maintained that she "operate[s] in the community-building and mental health sector as part of a non-profit organization, and the use of this domain is in alignment with our organizational mission." Based on such, Respondent contended that there is no bad faith registration or use of the disputed domain name.

Respondent further asserted that if "Complainant is interested in acquiring this domain, they are welcome to contact me to negotiate a reasonable and mutually beneficial agreement." Respondent again stressed that it had not engaged in any wrongdoing and asked that the proceeding be dismissed.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) 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.

Complainant has shown rights in its VILLAGE HOTELS and VILLAGE marks for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Here, the VILLAGE HOTELS and VILLAGE marks are fully incorporated at the head of the disputed domain name. Although the addition of the article "the" at the head of the disputed domain name may bear on the assessment of the second and third elements, the Panel finds the addition of such article does not prevent a finding of confusing similarity between the disputed domain name and the VILLAGE HOTELS and VILLAGE marks for 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

While Respondent maintains that the registration of the disputed domain was not to take advantage of any trademark rights and that Respondent "operate[s] in the community-building and mental health sector as part of a non-profit organization, and the use of this domain is in alignment with our organizational mission," Respondent provided no evidence to support such contentions. Indeed, Respondent submitted no evidence regarding her alleged non-profit organization or the name of such. To be sure, such unsupported conclusory allegations are entitled to no weight. See, e.g., [WIPO Overview 3.0](#) at sections 2.2 and 2.3.

Given Respondent's lack of any evidence to support her contentions, it appears to the Panel that the disputed domain name is more likely than not based on Complainant's VILLAGE HOTELS mark. To be sure, the disputed domain name as constituted carries a certain degree of implied affiliation and is likely to be mistakenly seen by relevant consumers as related to Complainant and its hotels. As such, and without any credible explanation from Respondent supported with evidence, it is hard to see how Respondent could have any rights or legitimate interests in the disputed domain name.

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

### **C. Registered and Used in Bad Faith**

The Panel notes that, for 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.

Here, it appears more likely than not that Respondent's registration and use of the disputed domain name is based on Complainant's VILLAGE HOTELS mark and has been done opportunistically and in bad faith for the benefit or profit of Respondent. The disputed domain name on its face suggests a connection to Complainant and its chain of hotels and likely will be seen as connected to Complainant and its hotels by relevant consumers. Given the lack of a credible explanation from Respondent supported with evidence for registering the disputed domain name, which is essentially identical to Complainant's VILLAGE HOTELS mark that is registered in the United Kingdom and the European Union, it seems unlikely that Respondent did so for some legitimate purpose as opposed to doing so to take advantage of Complainant's rights in its VILLAGE HOTELS mark.

The Panel thus finds that 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 <thevillagehotels.com> be transferred to Complainant.

*/Georges Nahitchevansky/*

**Georges Nahitchevansky**

Sole Panelist

Date: March 5, 2025