

ADMINISTRATIVE PANEL DECISION

Virgin Enterprises Limited v. Kalu Tall

Case No. D2025-0114

1. The Parties

The Complainant is Virgin Enterprises Limited, United Kingdom, represented by Venner Shipley LLP, United Kingdom ("UK").

The Respondent is Kalu Tall, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <virginlondonhotelukcom.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 January 13, 2025. On January 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 15, 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 January 16, 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 January 21, 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 January 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 24, 2025.

The Center appointed Andrea Cappai as the sole panelist in this matter on March 6, 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 part of the Virgin Group, originally established as a mail-order music records business. The Group has since significantly expanded, encompassing a diverse portfolio including travel and leisure, with over 50 million global customers and more than 60,000 employees across multiple sectors and continents.

The Complainant owns, among others, the following registered trademarks:

- UK Registration No. 3163121, "VIRGIN", registered on July 29, 2016, covering classes 3, 5, 9, 11, 12, 14, 16, 31, 32, 33, 35, 36, 38, 39, 41, 42, 43, 44, and 45.
- UK Registration No. 3423222, "VIRGIN HOTELS", registered on November 15, 2019, in classes 41 and 43.
- United States of America ("United States") Registration No. 4865667, "VIRGIN HOTELS", registered on December 8, 2015, in class 43.

The Complainant maintains a substantial trademark portfolio, holding approximately 3,500 registrations across more than 150 countries. Additionally, it owns over 5,000 domain names incorporating the "VIRGIN" mark. Since 2000, the Complainant has operated the corporate domain <virgin.com>. The Complainant launched Virgin Hotels in 2010, opening its most recent hotel in London, UK, in August 2024, with its dedicated website at <virginhotels.com>.

The disputed domain name was registered on December 3, 2024 and resolves to a website that substantially replicates the Complainant's website as it appeared in 2022.

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, comprising the terms "virgin", "London", "hotel", "uk", and "com", fully incorporates its trademarks. The inclusion of geographic identifiers "London" and "uk" is, according to the Complainant, readily understood by Internet users as referring to London, UK, the location of a Virgin Hotels property, thereby rendering the domain confusingly similar to the Complainant's registered trademarks.

The Complainant further asserts that the disputed domain name resolves to a website closely imitating its 2022 website, prominently featuring contact information and soliciting user data for promotional purposes. Such conduct, argues the Complainant, evidences deceptive intent designed to induce users to disclose sensitive information, thus negating any legitimate or fair use of the domain.

Additionally, the Complainant highlights the absence of evidence demonstrating the Respondent's legitimate affiliation with or legitimate commercial interest in the disputed domain name. Rather, the Respondent's extensive duplication of the Complainant's prior website content, coupled with the acknowledged prominence of the Complainant's marks at the registration time, strongly suggests intentional bad faith registration and use.

Finally, the Complainant draws attention to a recurring pattern in past UDRP proceedings involving the Respondent, citing identical registrant details and similar conduct – consistent misuse of the Complainant's trademarks and replication of website content – which reinforces the inference of systematic bad faith domain registrations by the Respondent or its associated network.

B. Respondent

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

6. Discussion and Findings

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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, such as "London" and "uk" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark 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 recognised 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 disputed domain name resolves to a website closely resembling an earlier version of the Complainant's own site. Notably, it appears to prominently feature trademarks identical to the Complainant's registered trademarks, specifically within the header and footer sections of each page.

Additionally, the website provides a contact email address and invites users to submit their email addresses and zip codes to "SIGN UP FOR NEWS AND OFFERS". Based on the information available, it can be inferred that neither the disputed domain name, the website it resolves to, nor the email address provided therein have been authorised by or are otherwise legitimately affiliated with the Complainant.

Given these observations, it appears likely that the website could mislead Internet users into assuming an affiliation with the Complainant, potentially prompting them to disclose sensitive personal information. Consequently, such use is not fair or legitimate.

Furthermore, the fact that some links at the website direct users to the official Complainant's website further supports the conclusion that the Respondent lacks legitimate rights or interests in the disputed domain name.

Considering the circumstances outlined above, the Panel finds that the Respondent's use of the disputed domain name is neither legitimate non-commercial nor fair but rather intended for commercial benefit through misleading diversion of Internet users.

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 3.0](#), section 3.2.1.

In the present case, the Panel notes that, given the substantial reputation of the Complainant's registered trademarks at the time the disputed domain name was registered, combined with the Respondent's extensive replication of the Complainant's 2022 website, the Respondent clearly was aware of the Complainant and its business. Additionally, even a brief online search for the term "virgin hotel" prominently displays results directly linked to the Complainant, further reinforcing the Respondent's knowledge of the Complainant. [WIPO Overview 3.0](#), section 3.2.2.

Moreover, the timing of the disputed domain name's registration – just four months following the opening of the Complainant's new hotel in London, UK, in August 2024 – further supports the Panel's finding of opportunistic bad faith registration. [WIPO Overview 3.0](#), section 3.2.1

The Respondent's use of the disputed domain name to host a website substantially imitating a previous version of the Complainant's site, absent authorisation, strongly suggests an intent to deceive Internet users regarding an affiliation with the Complainant. This unauthorised imitation not only disrupts the Complainant's business by potentially diverting existing or prospective customers but also poses a credible risk of fraud or phishing activities, which would significantly exacerbate the disruption and harm to the Complainant's commercial interests.

Given these considerations, the Respondent, by registering and using the disputed domain name, has intentionally sought to attract Internet users by exploiting a likelihood of confusion with the Complainant's marks, evidencing clear bad faith.

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 <virginlondonhotelukcom.com> be transferred to the Complainant.

/Andrea Cappai/

Andrea Cappai

Sole Panelist

Date: March 20, 2025