

ADMINISTRATIVE PANEL DECISION

Sandals Resorts International 2000 Inc. v. Aggarwal Parv
Case No. D2025-0661

1. The Parties

The Complainant is Sandals Resorts International 2000 Inc., Panama, represented by Dechert LLP, United Kingdom.

The Respondent is Aggarwal Parv, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <beaches.restaurant> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 19, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 24, 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2025. A third party sent an email communication to the Center on March 4, 2025.

The Center appointed Jeremy Speres 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 has operated a business offering international resort holidays under the BEACHES and BEACHES RESORTS trademarks since 1997. It operates resorts under these marks in various locations, including in Providenciales (Turks and Caicos Islands, United Kingdom), Negril (Jamaica) and Ocho Rios (Jamaica). The Complainant promotes its resorts in numerous jurisdictions, including in the United States and the European Union.

The Complainant's trademarks are registered in numerous jurisdictions, including United States Trademark Registration No. 2951577 BEACHES in classes 39, and 43, having a registration date of May 17, 2005.

The Complainant operates its primary website from its domain name <beaches.com>, which was registered in 1995 and, according to the Internet Archive as viewed by the Panel in accordance with its powers of independent research articulated inter alia in paragraphs 10 and 12 of the Rules, has been used for the Complainant's BEACHES offering since at least 1998.

The Complainant's BEACHES mark has been recognized as being well known by prior panels under the Policy. See, for e.g., *Gorstew Limited v. Media Insight*, WIPO Case No. [D2006-1467](#) where the complainant was the Complainant's predecessor in title of its trademarks.

The disputed domain name was registered on June 3, 2024, and currently does not resolve to an active website. The Complainant's evidence establishes that the disputed domain name previously resolved to pay-per-click ("PPC") advertisements for, amongst others, luxury accommodation offerings that compete with the Complainant.

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 was registered and has been used in bad faith to take advantage of the notoriety of the Complainant's mark for the Respondent's commercial gain.

B. Respondent

The Respondent did not reply to the Complainant's contentions. A third party, seemingly resident at the Respondent's physical address specified in the registration details of the disputed domain name provided by the Registrar, sent an email communication to the Center stating that nobody by the name of "Aggarwal Parv" is resident at that address.

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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 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.

Use of a domain name to host PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark, as in this case. [WIPO Overview 3.0](#), section 2.9.

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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name to take advantage of likelihood of confusion with the Complainant’s mark for the Respondent’s commercial gain, falling squarely within paragraph 4(b)(iv) of the Policy.

The Complainant’s evidence establishes that its mark has been widely publicised in the Respondent’s jurisdiction of the United States, having won numerous awards in that jurisdiction, thus the Respondent may well have been aware of the Complainant’s mark. The Panel notes that the Complainant has been operating <beaches.com> since 1998 and the second-level element of the disputed domain name is identical to that of the Complainant’s own domain name.

The disputed domain name has been used to advertise services competitive with or relating to those of the Complainant. See *Dr. Martens International Trading GmbH, Dr. Maertens Marketing GmbH v. Private Whois Service*, WIPO Case No. [D2011-1753](#). Although the advertisements may be served programmatically by a third party, the Respondent cannot disclaim responsibility for them. [WIPO Overview 3.0](#), section 3.5. In these circumstances, without the Respondent providing any explanation for the registration of the disputed

domain name, the Panel finds it more likely than not that the Respondent is seeking to capitalize on the nature of the disputed domain name as it relates to the Complainant.

The Respondent apparently supplied false address details in the Whois record for the disputed domain name given the response from the third party discussed above. In the circumstances of this case, this suggests an attempt by the Respondent to evade pursuit. *Kabushiki Kaisha Raibudoa v. Kubota, A*, WIPO Case No. [D2001-0817](#).

The Panel draws an adverse inference from the Respondent's failure to take part in the present proceedings where an explanation is certainly called for. [WIPO Overview 3.0](#), section 4.3.

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 <beaches.restaurant> be transferred to the Complainant.

/Jeremy Speres/
Jeremy Speres
Sole Panelist
Date: April 7, 2025