

ADMINISTRATIVE PANEL DECISION

Montage Hotels & Resorts, LLC v. Chan Postm, Post Air
Case No. D2025-1139

1. The Parties

Complainant is Montage Hotels & Resorts, LLC, United States of America ("United States"), represented by Neal, Gerber & Eisenberg LLP, United States.

Respondent is Chan Postm, Post Air, United States.

2. The Domain Name and Registrar

The disputed domain name <montage.com> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 19, 2025. On March 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 20, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email to Complainant on March 24, 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 March 27, 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 April 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 21, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 25, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on May 5, 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

According to Complainant, it has used the MONTAGE service mark for nearly 20 years “in connection with the provision of first-class hotel and resort services, among other hospitality-related products and services,” which include residential condominium, spa, restaurant, and bar services.

Complainant asserts:

“The MONTAGE brand identifies a collection of distinctive luxury hotels, resorts, and residences that convey a shared dedication to comfortable elegance. The architecture of each of Complainant’s properties is authentic and true to its surroundings, and the décor is inspired by each property’s respective setting. This uniqueness distinguishes Complainant and has resulted in international acclaim. A refined resort perched high on a coastal cliff, the MONTAGE-branded property in Laguna Beach, California, is Complainant’s flagship luxury resort, which has received award-winning distinction for its comfortably elegant accommodations, ocean-inspired spa, and distinctive regional dining. In addition to its Laguna Beach property, Complainant operates MONTAGE-branded properties in other highly desirable locations including Healdsburg (California), Kapalua Bay (Hawaii), Big Sky (Montana), Palmetto Bluff (South Carolina), Deer Valley (Utah), Los Cabos (Cabo San Lucas, Mexico) and Cay (Abaco Islands, Bahamas). In addition to these properties, Complainant will soon be opening a private residential community, in Punta Mita, Mexico.”

Complainant holds numerous registered trademarks in multiple jurisdictions for its MONTAGE mark, including United States Patent and Trademark Office (“USPTO”) Reg. No. 3,325,069, registered on October 30, 2007.

Complainant operates a commercial website at the domain name <montagehotels.com>. Complainant also maintains a social media presence, with more than 13,000 Facebook followers and 23,000 X followers. Annexed to the Complaint are various unsolicited references to Complainant’s MONTAGE hotels and resorts by travel and leisure industry periodicals.

The Domain Name was registered on January 2, 2025. At present, the Domain Name resolves to an error page. According to Complainant, however:

“The Disputed Domain Name is being used to perpetrate phishing attacks against unsuspecting third parties, who mistakenly believe they are interacting with Complainant. In particular, the Respondent operating the Disputed Domain Name is making fraudulent use of the domain name and email addresses connected thereto to impersonate Complainant, and to convince third parties to change payment information so that the fraudsters receive payments meant for Montage.”

Complainant’s counsel sent a cease-and-desist letter to the Registrar on March 5, 2025, demanding that the Registrar disable the Domain Name and associated website.

Respondent has not disputed any of the foregoing allegations or challenged any of the evidence presented with the Complaint.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the 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.

The Panel finds that Complainant has rights in the mark MONTAGE through registration and use demonstrated in the record. The Panel also finds that the Domain Name is confusingly similar to that mark. The Domain Name is comprised entirely of the MONTAGE mark except the "g" is replaced by a "q." In the Panel's view, the mark remains recognizable in the Domain Name notwithstanding this minor change.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes, on the undisputed record here, that Respondent lacks rights or legitimate interests in respect of the Domain Name. Respondent has not come forward to articulate any bona fide basis for registering the Domain Name, and has not disputed the allegations and evidence presented by Complainant.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes, on the record provided here, that Respondent has registered and used the Domain Name in bad faith. The Domain Name was registered many years after Complainant’s trademark registration in the United States where the Respondent is purportedly located, and is a typosquatted version of Complainant’s trademark. The Domain Name does not resolve to an active website. Considering the circumstances of the case, the Panel decides that the passive holding does not prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.3.

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <montage.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: May 18, 2025