

## ADMINISTRATIVE PANEL DECISION

TENEROCH, S.A. DE C.V. v. Name Redacted  
Case No. D2025-1292

### 1. The Parties

The Complainant is TENEROCH, S.A. DE C.V., Mexico, represented internally.

The Respondent is Name Redacted<sup>1</sup>.

### 2. The Domain Name and Registrar

The disputed domain name <news-legendaryvacationclub.com> is registered with Hostinger Operations, UAB (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 1, 2025. On April 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 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 (Not identified, Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 4, 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 April 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”).

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<sup>1</sup> The Respondent appears to have used the name of a famous singer when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 2, 2025.

The Center appointed Enrique Ochoa as the sole panelist in this matter on May 9, 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 a Mexican corporation, duly incorporated in accordance with the laws of Mexico in 2012 and primarily engages in hospitality, tourism services, and related activities.

The Complainant holds among others, Mexican trademark registration LEGENDARY VACATION CLUB in full force and effect as of May 26, 2023, with registration number 2552833 in class 43, which covers restaurant services; hospitality services; food and beverage services in restaurants and bars; temporary lodging; accommodation service in hotels.

The Panel confirmed the information on said evidenced trademarks registrations via the Mexican Industrial Property Institute database.

For purposes of this Decision, hereinafter the referred trademark registration and other trademarks owned by the Complainant which contain the term "legendary vacation club" will be referred to as the LEGENDARY VACATION CLUB trademarks.

Complainant operates a website at the domain name <legendaryvacationclub.com>.

The disputed domain name, <news-legendaryvacationclub.com> was registered on January 17, 2025.

The disputed domain name does not resolve to an active website but has been used for sending e-mails to Complainant's clients on false promotions/offers, inviting them to make payments, or promising them to make refunds if payments are made within certain timeframes and some of the referred e-mails have been sent via the e-mail account "[...].@news-legendaryvacationclub.com".

#### **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, among other things, that:

- The Complainant has already been targeted by fraudulent groups to create schemes to target clients through online services (such as false Internet sites and emails) using confusingly similar domain names to the LEGENDARY VACATION CLUB trademarks.
- The aforementioned was carried out to commit crimes like identity theft, phishing, and other illegal activities.
- Received several reports from clients who received e-mails from the disputed domain name making false promotions/offers, inviting them to make payments, or promising them to make refunds if payments are made within certain timeframes, some of those e-mails sent from "[...].@news-legendaryvacationclub.com".

- The referred e-mails are constantly reaching out to Complainant's clients, requesting payments by impersonating the brand and taking advantage of the confusing similarity between the disputed domain name and the LEGENDARY VACATION CLUB trademarks.
- The behavior by the Respondent unquestionably falls under the circumstances of: (i) using a domain name similar to the LEGENDARY VACATION CLUB trademarks to intentionally cause confusion, (ii) lacking any legitimate or legal interest in the disputed domain name, and (iii) acting in bad faith to commit crimes punishable under various laws and international treaties.
- The disputed domain name replicates the distinctive elements of the LEGENDARY VACATION CLUB trademarks causing confusion among consumers who may believe that the disputed domain name is associated with or endorsed by the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in 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.

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 "news" and hyphen may bear on assessment of the second and third elements, the Panel finds the addition of such term and hyphen 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 disputed domain name includes the whole of the LEGENDARY VACATION CLUB trademarks after the term "news" and a hyphen, and since the Top-Level Domain ("TLD") suffix is usually disregarded – in this case ".com" – the disputed domain name is confusingly similar to the mark. See *Boursorama S.A. v. monstercookies*, WIPO Case No. [D2022-1351](#) regarding the domain name <news-boursorama.com>.

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.

The Panel finds that the use of the disputed domain name for illegal activity impersonating the Complainant by sending e-mails to Complainant’s clients on false promotions/offers, inviting them to make payments, or promising them to make refunds if payments are made within certain timeframes and some of the referred e-mails have been sent via the e-mail account “[...]@news-legendaryvacationclub.com”, does not confer rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), section 2.13.1. See also *Instagram, LLC v. ist ist*, WIPO Case No. [D2020-1140](#).

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.

The Panel finds that the use of the disputed domain name for illegal activity impersonating the Complainant by sending e-mails to Complainant’s clients on false promotions/offers, inviting them to make payments, or promising them to make refunds if payments are made within certain timeframes and some of the referred e-mails have been sent via the e-mail account “[...]@news-legendaryvacationclub.com”, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel also notes that the Complainant’s trademark rights predate the registration date of the disputed domain name and finds that the Respondent was aware of the LEGENDARY VACATION CLUB trademarks.

For easy reference on phishing and impersonation schemes regarding bad faith, see *Open Society Institute v. Admin Contact, PrivateName Services Inc. / Axel Feldt*, WIPO Case No. [D2018-0816](#).

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 <news-legendaryvacationclub.com> be transferred to the Complainant.

*/Enrique Ochoa/*

**Enrique Ochoa**

Sole Panelist

Date: May 23, 2025