

ADMINISTRATIVE PANEL DECISION

Ennismore Holdings Limited v. Name Redacted Case No. D2025-1926

1. The Parties

The Complainant is Ennismore Holdings Limited, United Kingdom, represented by K&L Gates LLP, United Kingdom.

The Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <ennismore.com> (the “Disputed Domain Name”) is registered with IONOS SE (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 14, 2025. On May 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 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 (Domain name registrant of Ennismore.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 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 May 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”).

¹The Respondent appears to have used the name and/or contact details of a third party 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Annex 1 to the Registrar as part of the order in these proceedings, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case.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 May 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2025. The Respondent did not submit a formal response. The Center received email communications from a third party on June 1 and June 5, 2025.

The Center appointed Michael D. Cover as the sole panelist in this matter on June 30, 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 leading lifestyle hospitality company operating a wide range of hotels, restaurants and bars around the world. The Complainant was founded in 2011 and has built up a global presence of well-known brands within its hotel portfolio.

The Complainant (and/or its affiliated entities) is the proprietor of the trademark ENNISMORE, which is the subject of trademark registrations, as follows:

United States of America No. 5441473, ENNISMORE, registered April 10, 2018 in Classes 35, 36, 37, 41 and 43;

European Union No. 016344681, ENNISMORE, registered August 7, 2017 in Classes 35, 36, 37, 41 and 43; and

United Kingdom No. 00916344681, ENNISMORE, registered August 7, 2017 in Classes 35, 36, 37, 41 and 43.

The Disputed Domain Name was registered on April 5, 2025. At the time of the Complaint, the Disputed Domain Name did not resolve to an active website, but the Complainant provided evidence the Respondent was using an email address under the Disputed Domain Name to send fraudulent emails.

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.

Identical or Confusingly Similar

The Complainant submits that its ENNISMORE trademarks have become a distinctive identifier, which consumers associate exclusively with the Complainant's services. The Complainant also states that it has developed an extensive reputation in the ENNISMORE name. Consequently, the Complainant submits that it has satisfied the threshold requirements of having rights in the ENNISMORE trademarks.

The Complainant asserts that the Disputed Domain Name is near identical to the ENNISMORE trademark. The Complainant notes that the Disputed Domain Name consists solely of the words "enismore.com", which is near identical to the Complainant's trademark ENNISMORE. The Complainant also submits the addition of ".com" is not to be taken into account in the comparison of the Disputed Domain Name, as it is a standard technical requirement of registration and does not have a distinctive function.

The Complainant concludes under this heading that, in light of the Complainant's extensive reputation in relation to the services sold under or by reference to the ENNISMORE brand, the Complainant asserts that

confusion between the ENNISMORE trademark and the Disputed Domain Name is certain to occur and that, for these reasons, the Disputed Domain Name is confusingly similar to the ENNISMORE trademark.

Rights or Legitimate Interests

The Complainant submits that the Disputed Domain Name has been registered for the sole purpose of attempting to scam, as the Complainant puts it, legitimate customers of the Complainant and the Complainant attaches to the Complaint as Annex 4 in that connection a redacted email received by a customer of the Complainant in April 2025. The Complainant submits that this email shows the Respondent using an email address created through the Disputed Domain Name fraudulently to contact customers of the Complainant's hotels and claiming to be a reservations manager, asking for pre-payment for an upcoming hotel stay to be made to a scam account on Stripe.

The Complainant submits that the Respondent is using the Disputed Domain Name for the Respondent's own fraudulent gain misleadingly to divert consumers to a scam website and to otherwise to lose trust in and tarnish the Complainant's trademark and brand.

Further and alternatively, continues the Complainant, the Complainant has not been able to find any evidence that the Respondent has any trademark rights in the ENNISMORE trademark anywhere in the world. The Complainant also notes that the Complainant is not aware of any legitimate third party use of the ENNISMORE trademark in respect of any of the services anywhere in the world, other than the Complainant's own use and that of its affiliates and licensees.

The Complainant states that it has not licensed or otherwise permitted the Respondent to use either the Disputed Domain Name or the ENNISMORE trademark. The Complainant also notes it has not been able to identify any preparations made by the Respondent for bona fide use of the Disputed Domain Name, instances of the Respondent being known by the Disputed Domain Name or legitimate noncommercial or fair use of the Disputed Domain Name (by the Respondent).

Registered and Used in Bad Faith

The Complainant submits that the Respondent registered the Disputed Domain Name for the sole purpose of defrauding and scamming legitimate customers of the Complainant by contacting them through an email address under the Disputed Domain Name that is highly similar to the Complainant's, such that a reasonable person may not notice the difference. The Complainant further states that the Disputed Domain Name was chosen solely to exploit its trademark for commercial gain and to engage in a scam to trick customers into transferring money to the Respondent.

The Remedy requested by the Complainant

The Complainant requests, for the reasons set out in the Complainant, that the Panel order that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

The Complainant must establish on the balance of probabilities that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; that the

Respondent has no rights or legitimate interests in the Disputed Domain Name; and that 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 its ENNISMORE trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the trademark effectively is reproduced within the Disputed Domain Name and the ENNISMORE trademark is recognizable 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.

It is also well-established in prior UDRP decisions that the applicable generic Top-Level Domain ("gTLD"), in this case ".com", is a standard registration requirement and is to be ignored in considering confusing similarity.

The Panel finds the first element of the Policy has been established, in that the Disputed Domain Name is confusingly similar to the Complainant's registered trademark ENNISMORE in which the Complainant has rights.

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 disputed 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.

Panels have held that the use of a disputed domain name for illegitimate activity, here impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent has not demonstrated, before notice of the dispute, use or demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services, that the Respondent has been commonly known by the Disputed Domain Name or that the Respondent is making legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark

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.

In the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark.

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.

Panels have held that the use of a disputed domain name for illegitimate activity, here, impersonation/passing off or other types of fraud, 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, not least in view of the reputation and distinctive nature of the Complainant's trademark.

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 <enismore.com> be transferred to the Complainant.

/Michael D. Cover/

Michael D. Cover

Sole Panelist

Date: July 14, 2025