

ADMINISTRATIVE PANEL DECISION

MHG IP Holding (Singapore) Pte. Ltd. v. Swapnesh Verma, Maruti developers

Case No. D2025-1950

1. The Parties

The Complainant is MHG IP Holding (Singapore) Pte. Ltd., Singapore, represented by Kochhar & Co., India.

The Respondent is Swapnesh Verma, Maruti developers, India, represented by Saaz Partners, India.

2. The Domain Name and Registrar

The disputed domain name <anantaraclubandresort.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 15, 2025. On May 15, 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 Domain Name which differed from the named Respondent (Anantara Club & Resort) 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 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 May 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 13, 2025.

The Center appointed Nicholas Smith as the sole panelist in this matter on June 19, 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.

On June 15, 2025, the Center received a communication purportedly on behalf of Anantara Club & Resorts asserting that it had not received the Complaint, and seeking an extension of time to file a response in this matter. On June 16, 2025, the Center replied to the communication, enclosing a copy of the Complaint, all relevant communications in respect of the Complaint and noting that it had discharged its obligations in accordance with the Rules to notify the Respondent and that the due date for the Response had passed. The Center indicated that the Panel would be notified of the June 15 communication upon appointment and that if Anantara Club & Resorts wished to file a late Response, the Center would bring that Response to the Panel's attention but it would be at the discretion of the Panel to consider it.

Following its appointment, on June 24, 2025, the Panel issued its first procedural order in this matter. This order stated that, notwithstanding that the Panel was satisfied that the Center has fully discharged its obligations under the Rules to notify the Respondent in this case it was prepared to provide the Respondent/ Anantara Club & Resorts with additional time (until July 1, 2025) to file a Response in this matter.

On July 1, 2025, the Respondent filed a Response in this case, including an explanation of the connection between the Respondent/named registrant and Anantara Club & Resorts. Noting the claims made in the Response around the Respondent's decision to adopt the Domain Name and the related trading name for its hospitality venture the Panel, on July 2, 2025, issued a second Panel Order, providing the Complainant with an opportunity to file an additional submission in reply and the Respondent to file an additional submission in response to any additional submission filed by the Complainant. On July 7, 2025, the Complainant filed a further e-mail in response to the Second Panel Order. The Respondent did not file any additional material by its deadline of July 11, 2025.

4. Factual Background

The Complainant is a Singapore IP holding company that is part of a corporate group that operates a chain of hotels under the ANANTARA brand which it has used since at least 2000. The Complainant's corporate group owns, operates or manages over 50 luxury hotels and over 30 spas under the ANANTARA brand in the Middle East, Africa, Europe, and Asia including in India, the location of the Respondent, and has developed a significant reputation in India.

The Complainant has held a trademark registration for the word "ANANTARA" (the "ANANTARA Mark") in numerous jurisdictions including in India since 2021 for hotel services in class 43 (Registration No. 5175784).

The Domain Name was registered on August 29, 2024. The Domain Name resolves to a website (the "Respondent's Website") that advertises a hotel in Ujjain, Madhya Pradesh, India, known as the Anantara Club and Resort. It appears that the hotel is a trading entity, in that it offers hotel services to guests under the name, however the Complaint alleges that the actions of the Respondent are simply blatantly passing off as Complainant and offering competing hotel services.

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 Domain Name.

Notably, the Complainant contends that:

a) It is the owner of the ANANTARA Mark, having registered the ANANTARA Mark in numerous jurisdictions including India. The Complainant operates one hotel under the ANANTARA Mark in India and plans to significantly expand its presence by 2035. The Complainant engages in significant advertising and has developed a global reputation in the ANANTARA Mark. The Domain Name is confusingly similar to the ANANTARA Mark as it merely adds the descriptive terms “club” and “resort” and the generic Top-Level-Doman (“gTLD”) “.com” to the mark.

b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the ANANTARA Mark. The Respondent is not commonly known by the ANANTARA Mark, nor does it use the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Rather the Respondent is using the Domain Name to pass off as the Complainant for commercial gain by purporting to offer hotel services in direct competition with the Complainant. Such use is not a legitimate use of the Domain Name.

c) The Domain Name was registered and is being used in bad faith. The Respondent is using the Domain Name to divert Internet users searching for the Complainant to the Respondent’s Website to disrupt the Complainant’s business and divert Internet users searching for the Complainant to a competing business for commercial gain. Such conduct amounts to registration and use of the Domain Name in bad faith.

B. Respondent

The Respondent is a partner and authorized representative of Maruti Developers, an entity operating a hospitality venture in Ujjain, Madhya Pradesh, India, under the name Anantara Ujjain Club and Resorts. This hotel has been in operation since 2024, and the Domain Name is in active use as the Respondent’s Website for the Respondent’s venture.

The Respondent’s business venture Anantara Ujjain Club and Resorts was derived from the Sanskrit word Anantara, denoting spiritual continuity, in alignment with the cultural and religious ethos of Ujjain. The adoption of the name for the business venture was entirely honest and prior to adopting the name the Respondent had no knowledge of the Complainant’s existence or its international operations. The Respondent has invested significant resources in developing its hospitality business including advertising, website development and operational infrastructure.

C. Complainant’s Additional Submission

The Complainant’s additional submission merely restates certain claims made in the Complainant regarding its trademark and domain name registrations and rejects a settlement proposal made in the Response which is not necessary to summarize in this decision.

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 Domain Name. Accordingly, the 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 here, “clubandresort” 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 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. They are:

- (i) before any notice to the respondent of the dispute, 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) the respondent has been commonly known by the domain name, even if the respondent has acquired no trade mark or service mark rights; or
- (iii) the respondent is making a legitimate non-commercial 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.

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.

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the Domain Name or to use the ANANTARA Mark. The Complainant has prior rights in the ANANTARA Mark which precede the Respondent’s registration of the Domain Name. The question is whether Respondent has with any relevant evidence demonstrating rights or legitimate interests in the Domain Name.

The Panel considers that the record of this case reflects that the Domain Name is used for an operating business, namely a hotel operated by a related entity of the Respondent, that is actively trading under the name Anantara Club & Resort, operating from Ujjain in India. The issue then is whether this use is a bona fide offering of goods and services (see the discussion in *MHG IP Holding (Singapore) PTE. Ltd. v. NYS Softech*, WIPO Case No. [D2024-2730](#) reproduced later in this decision).

Despite the repeated assertions in the Complaint, there is no evidence that, outside the use of the ANANTARA brand for hospitality services, the Respondent is seeking to target or impersonate the Complainant; in particular the Respondent’s Website has a different logo and does not appear to reproduce the Complainant’s logo, trade dress or make any other reference to the Complainant. The Complainant, through the Second Panel Order, was provided with the opportunity to provide any additional information which might suggest that the Respondent’s use amounted to impersonation or passing off, but did not provide any such information.

However, the Panel also notes that the Complainant has a significant international reputation as the operator of a chain of hotel and spa properties (albeit only one property in India and the Complaint does not state when that property opened though according to WIPO Case No. [D2024-4111](#) reproduced below this likely occurred in or around 2024), which have used the ANANTARA Mark since 2000. The Complainant also is the owner of a registered trademark for the ANANTARA Mark in India. The Respondent provides an asserted reason for its selection of the term “Anantara” but provides no documentary support for the asserted reason (such as preliminary marketing materials, branding discussions, internal e-mails etc.) and its

suggestion that it was unaware of the ANANTARA Mark is perhaps an open question noting the Complainant holds a registered mark in India and has a significant international reputation in the precise areas where the Respondent's business operates.

The Panel notes that there are several recent UDRP decisions involving the same Complainant and similar conduct that provide some guidance.

In *MHG IP Holding (Singapore) PTE. LTD. v. Anantara Resort and Spa*, WIPO Case No. [D2024-4111](#), the then respondent appeared to be operating a hotel or resort business in Jaisalmer with a name corresponding to the domain name <anantaresort.com>. The respondent in that case failed to file a response. In finding that the then respondent lacked rights or legitimate interests the panel stated the following:

“The question arises, therefore, as to whether such offering could be considered to be a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy. As the panel noted in *MHG IP Holding (Singapore) PTE. Ltd. v. NYS Softech*, WIPO Case No. [D2024-2730](#), a case involving the present Complainant, ‘[...] paragraph 4(c)(i) [of the Policy] cannot simply apply if a business exists which has deliberately adopted another person’s trademark as its name, otherwise the Policy would be inapplicable to all cases in which a respondent was operating a business, which is clearly not its intention. The words bona fide must encompass the Respondent’s knowledge and motives in choosing the name in question – if done deliberately to trade off, or take advantage of the Complainant’s name or reputation, then the bona fide requirement is not met.’

Considering the question of the Respondent’s likely knowledge and motivation in selecting the disputed domain name in the present case, the Panel finds that the Complainant has established by way of the provision of extensive evidence that its ANANTARA mark is distinctive and well-known in its particular field of activity, and that its use predates the registration of the disputed domain name. The Respondent’s alleged business is engaged in the same field of activity. The Complainant provides multiple examples of advance publicity of its forthcoming launch of the ‘Anantara Jaipur Hotel’, also pre-dating the registration of the disputed domain name, and it is to be noted that the proposed hotel is based in Rajasthan, being the same Indian state in which the Respondent’s alleged business is said to be based. Furthermore, the Respondent has adopted a name for its business and the disputed domain name that not only bears a striking resemblance to the Complainant’s distinctive name and trademark, but also as used in the disputed domain name is a close typographical variant of such trademark in which only a single vowel has been removed, the additional term ‘resort’ in the disputed domain name being a non-distinctive dictionary word generally descriptive of a place where people go for relaxation or pleasure, and therefore commonly associated with hotel businesses such as that of the Complainant, and, allegedly, that of the Respondent.

Given the Complainant’s prominence in the hotel and resort management industry, and the fact that its ANANTARA trademark is distinctive and well-known, including where the Respondent is based, the Respondent could not have credibly denied knowledge of the Complainant. In any event, it has not attempted to do so. In these circumstances, the Respondent’s selection of the typographical variant name in the disputed domain name suggests to the Panel that the Respondent’s motivation in registering and using the disputed domain name was to trade off, or take advantage of the Complainant’s name or reputation. This does not establish a bona fide offering of goods or services within the meaning of the Policy, and therefore does not confer rights or legitimate interests upon the Respondent.”

In *MHG IP Holding (Singapore) PTE. LTD. v. NowFloats Support, NowFloats*, WIPO Case No. [D2024-4911](#) the respondent appeared to be operating a spa business in Nagpur with a name corresponding to the domain name <antaaraspa.com>. The respondent in that case failed to file a response though the panel notes that the business in question appears to have been established in 2015 and did not precisely reproduce the Complainant’s mark, rather it traded under the name “Antaara Spa”. The panel in that case was not satisfied that the then respondent lacked rights or legitimate interests in the domain name stating the following:

“While the Complainant contends that the Respondent’s Website impersonates the Complainant’s business under the ‘ANANTARA’ brand, there is no evidence to show that the Respondent’s Website is bogus with an intent of impersonation. The Respondent’s Website adopted a visually distinctive design and logo that are different from those of the Complainant, and it also stated that its business, with the name of ‘Antaara Spa’, was a spa in Nagpur in India established in 2015 without making any reference to the Complainant or any of its particulars. An Internet search of the business address provided in the Respondent’s Website also suggests that it appears to be the legitimate address of Antaara Spa’s business location where its spa services are provided. In view of the above, the Panel notes that this case exceeds the relatively limited ‘cybersquatting’ scope of the UDRP, and would be more appropriately addressed by a court of competent jurisdiction (see section 4.14.6 of the [WIPO Overview 3.0](#)). Past UDRP panels, their governing instruments, and legislative background, are all clear that the Policy was designed to prevent extortionate or abusive behavior also known as ‘cybersquatting’ and cannot be used to litigate all disputes involving domain names. See *Philippe Dagenais designer inc. / Philippe Dagenais v. Groupe Dagenais MDC inc. (formerly Philippe Dagenais Mobilier Décoration Conseils Inc.) / Mobilier Philippe Dagenais*, WIPO Case No. [D2012-0336](#); *Bugatti International S.A. v. Jacques Pensini, Point Office / Philippe Schriqui*, WIPO Case No. [D2022-2805](#); *Les Editions Jalou v. Sidharth Saigal and Chalk Media FZE*, WIPO Case No. [D2023-1430](#); and *Anniversary University, LLC v. The History Factory*, WIPO Case No. [D2023-2180](#). A panel may decide that the administrative proceeding is not an appropriate forum to evaluate certain contentions of the parties, while it has not been provided the full set of facts (or authority) necessary to make that determination. See *Pinnacle Intellectual Property v. World Wide Exports*, WIPO Case No. [D2005-1211](#). The Panel is not in a position to make findings on the factual and legal questions discussed above, which would require a far more complete evidentiary record than what has been provided by the Parties.”

The Panel notes that unlike the case in D2024-4111 in this case the Respondent has filed a Response, provided a plausible reason for its selection of the Domain Name, specifically denied bad faith intent in the selection of the business name and confirmed that the Respondent is actively trading under its name. Unlike the case in D2024-4911, in this case the Respondent has chosen to establish its business after the Complainant has launched its hotel and registered the ANANTARA Mark in India, and has chosen a Domain Name that wholly incorporates the ANANTARA Mark in its entirety.

In *MHG IP Holding (Singapore) PTE. Ltd. v. NYS Softech*, WIPO Case No. [D2024-2730](#) referred to in D2024-4111, the panel found that the then respondent lacked rights or legitimate interests, noting that

“At the very least these facts call for some explanation from the Respondent as to why it adopted the term ‘Anantara’ as part of what it says is its name. Despite being represented by lawyers the Respondent has not provided any such explanation. It is also curious that the Respondent’s claimed name includes the words ‘club hotels and resorts’ when the Respondent’s business does not appear to involve it owning or operating any club hotels or resorts. Again an explanation is called for but none has been provided. Furthermore the Response is silent as to whether the Respondent was aware of the Complainant when it registered the Dispute Domain Name – given the extent of the Complainant’s reputation, and the Respondent’s business being that of a travel agent, the Panel infers it is more likely than not that the Respondent was aware of the Complainant. Absent an explanation from the Respondent the Panel concludes the Respondent included the term ‘Anantara’ in its trading name because of its association with the Complainant – that does not establish a bona fide offering of services.”

Certain key factors on which that panel found that the then respondent’s use was not bona fide do not arise in this case; the Respondent has provided an explanation for its choice of the Domain Name and trading name, the Respondent asserts that it was unaware of the Complainant, and the Domain Name’s descriptive elements correspond to the services provided by the Respondent.

In summary, the question of whether the Respondent’s use of the Domain Name was bona fide is finely balanced, with various facts operating to differentiate the present case from each of the cases referred to above. The Panel accepts the principle in *MHG IP Holding (Singapore) PTE. Ltd. v. NYS Softech*, WIPO Case No. [D2024-2730](#) that paragraph 4(c)(i) cannot simply apply if a business exists that has deliberately adopted another person’s trademark as its name. Had the Complainant provided clear evidence that this

was the case the Panel would be satisfied that the Respondent lacks rights or legitimate interests in the Domain Name.

However, the Complainant and the broader factual record does not provide such clear evidence. Beyond the shared use of the term comprising the mark, there is no evidence that the Respondent or the Respondent's Website are targeting the Complainant in any way, the Respondent's Website has a different logo and does not appear to reproduce the Complainant's logo, trade dress, or make any other reference to the Complainant. The Second Panel Order stated that the Response "makes various claims around the Respondent's decision to adopt the Domain Name and the related trading name for its hospitality venture" and provided the Complainant with the opportunity to submit any further material in response to the Response; the Complainant merely restated its arguments about its reputation in the ANANTARA Mark and provided no argument or evidence casting doubt on the claims made in the Response. Unlike the cases referred to above, in this case the Respondent has filed a Response providing an explanation for its use of the ANANTARA name, a submission that its adoption was done in good faith and an assertion that the Respondent had no knowledge of the Complainant's rights in the ANANTARA Mark at the time of registration. Again, the Panel notes that the Complainant was provided with an opportunity to file material that may cast doubt on any of these claims and it has chosen not to do so.

While the Panel has some skepticism regarding the unsupported assertions made in the Response, noting the reputation of the ANANTARA Mark, it does not dismiss them entirely and is conscious of both the limited evidentiary record before it and the potential significant consequences were it to transfer the Domain Name away from an active trading entity based on unclear circumstances.

In circumstances where the Respondent:

- (i) is operating a prima facie legitimate business;
- (ii) under what appears to be a trading name that closely corresponds with the Domain Name;
- (iii) has provided an explanation that is on its face plausible (and not addressed by the Complainant) for its selection of the Domain Name being the use of the Sanskrit term; and
- (iii) is using the Domain Name for a website to promote that business and not target the Complainant in any obvious way;

the Panel finds that the Complainant has not satisfied its burden to show that the Respondent is not using the Domain Name in connection with a bona fide – at least under the terms of the Policy – offering of goods or services. This is a decision reached despite the fact that the evidence around the actions and motivations of the Respondent cannot be cross-examined.

However, for the purposes of this proceeding, which is summary in nature, the evidence in the Response is sufficient to warrant a finding that the Complainant has not carried its burden. The Policy is designed to deal with clear cases of cybersquatting, see *Clockwork IP, LLC, One Hour Air Conditioning Franchising, LLC v. Elena Wallace*, WIPO Case No. [D2009-0485](#) ("UDRP proceedings are for clear cases of cybersquatting, not for resolving trademark infringement and/or trademark dilution disputes or other matters more appropriately dealt with through the courts"). If the Complainant wishes to bring proceedings against the Respondent for trademark infringement, or question the assertions and evidence of the Respondent's conduct contained in the Response (which it chose not to do in this case), such a proceeding is more appropriately brought in a court of competent jurisdiction. The Panel wishes to make it clear that nothing in this decision should be understood as providing a definitive finding on the respective mark rights of the parties, beyond the narrow question determined under this proceeding.

Furthermore, in the event that further information arises that suggests the motives of the Respondent in registering or using the Domain Name related to the Respondent's awareness of the Complainant's ANANTARA Mark as opposed to the claimed meaning of the term in Sanskrit, there may be grounds to consider a refiled complaint, subject to the applicable criteria.

The Panel finds the second element of the Policy has not been established and it is not necessary to consider the third element of the Policy.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Nicholas Smith/

Nicholas Smith

Sole Panelist

Date: July 15, 2025