

ADMINISTRATIVE PANEL DECISION

Hyatt International Corporation v. Sameer Ijaz
Case No. D2025-2064

1. The Parties

The Complainant is Hyatt International Corporation, United States of America, represented by DLA Piper US LLP, United States of America.

The Respondent is Sameer Ijaz, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <mr-stork.org> (the “Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 23, 2025. On May 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 27, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 27, 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”).

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 sent email communications to the Center on May 28, 2025. Accordingly, the Center notified the Parties about the Commencement of Panel Appointment Process on June 18, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on June 26, 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 an international hotel management company which, through its affiliates, licensees, franchisees and authorized hotel owners, provides services for HYATT-branded properties, hotels and resorts throughout the world. In 2017, Hyatt opened an ANDAZ branded hotel in Singapore. The MR. STORK branded restaurant and bar is located on the rooftop of the ANDAZ hotel in Singapore.

The Complainant's MR. STORK branded bar has been recognized in a variety of awards over the period 2018 to 2024, including *The Peak*: Bar of the Month, May 2018; *TripAdvisor*: Traveler's Choice Award 2021; and *TheSmartLocal*: 27 Best Bars in Singapore for Drinking Pros & Newbies Alike 2024. The MR. STORK branded bar is advertised to the public worldwide on various travel websites, including Tripadvisor and Yelp and the Complainant has used the MR. STORK mark for more than seven years with extensive advertising and recognition both inside Singapore and outside with a substantial volume of consumer, industry, and media recognition.

The Complainant is also the proprietor of a number of registered trademarks for the word mark ANDAZ, including Singapore trademark number T0707771B, registered on September 10, 2007.

The Domain Name was registered on July 31, 2024. It resolves to a website (the "Respondent's Website") purporting to be that of MR STORK SINGAPORE and to provide information including the drink and food menus and wine list available at the MR. STORK bar and restaurant on the roof of the Complainant's ANDAZ hotel. The home page includes language such as "Our menu features..." and "Visit us to enjoy...". The general information on the "Terms and Conditions" page states "Mr Stork Singapore is an online platform about our restaurant offerings, menu items, promotions and services".

The Respondent's Website has a "Reservation" page where visitors are invited to make reservations at the MR STORK bar and restaurant by submitting their name and email address (together with chosen date and time and other details). The accompanying rubric states that "After submitting, you should receive a confirmation message or email confirming that your reservation has been successfully made".

The footer of the Respondent's Website includes a purported disclaimer "We are just providing Mr Stork Information 2025 – This is not Official Website and there is no affiliation with Official Mr Stork Restaurant".

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is identical or confusingly similar to its MR. STORK trademark (the "Mark"), that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

The Respondent did not reply formally to the Complainant's contentions. It sent emails to the Center on May 28, 2025, pointing out the disclaimer on its webpage and stating: "Just providing info, your claim is unacceptable."

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the 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 the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

Ignoring the generic Top-Level Domain ".com", the Domain Name is identical to the Complainant's Mark save for the substitution of a hyphen in place of the full stop (period). The Complainant has adduced unopposed evidence of its longstanding and widespread use of the Mark to refer to its bar and restaurant on the roof of its ANDAZ hotel in Singapore and to the products and services it provides at that bar. Accordingly, the Panel is satisfied that the Domain Name is identical to a trademark in which the Complainant has rights, and 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. Accordingly, 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 made out a strong prima facie case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has used the Domain Name not in connection with a bona fide offering of goods or services, but for a website purporting to be the official website of the Complainant's bar and restaurant, featuring the Complainant's Mark and purporting to provide details of the Complainant's products and services at its MR STORK bar and restaurant. There is no suggestion that the Respondent has ever been known by the Domain Name. The Respondent has chosen not to respond formally to the Complainant or to take any steps to counter the prima facie case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

In addition, the nature of the Domain Name together with the Respondent's Website create a strong risk of Internet user confusion.

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 Domain Name is identical to the Mark and the Respondent has used the Domain Name for a website featuring the Mark, dedicated to the Complainant's MR STORK bar and restaurant on the roof of the Complainant's hotel and purporting to accept reservations for the restaurant. Accordingly, the Panel is in no doubt that the Respondent had the Complainant and its rights in the MR. STORK mark in mind when it registered the Domain Name.

The Panel is satisfied that the Respondent has registered and used the Domain Name to imitate the Complainant and to deceive Internet users into believing that the Domain Name is operated or authorized by the Complainant, attracting Internet users by creating a likelihood of confusion with the Mark. The Panel notes that the Respondent's Website carries a disclaimer in the footer of the webpages indicating that it is not affiliated with "the official Mr Stork Restaurant". However, as noted in [WIPO Overview 3.0](#), section 3.7. "...where the overall circumstances of the case point to the respondent's bad faith, the mere existence of a disclaimer cannot cure such bad faith. In such cases, panels may consider the respondent's use of a disclaimer as an admission by the respondent that users may be confused." Furthermore, the disclaimer is under the control of the Respondent who could remove it at any time. In the Panel's view, the overall circumstances of this case do indicate bad faith. There is no explanation from the Respondent as to its motive in developing and operating a website purporting to be that of the Complainant's bar and restaurant, consistently using language such as "our restaurant" and providing contact details all of which are those of the restaurant including an email address ***@andaz.com. The only possible inference is that the Respondent has done so and used the Domain Name for the Respondent's Website with a view to confusing Internet users for commercial gain. The facility purporting to offer visitors the opportunity to provide personal information to make a reservation at the Complainant's restaurant reinforces that view.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith.

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 <mr-stork.org> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: July 10, 2025