

ADMINISTRATIVE PANEL DECISION

Sun International (South Africa) Limited v. 李辉 (lidong), 李辉 (huanglidong)
Case No. D2025-2085

1. The Parties

The Complainant is Sun International (South Africa) Limited, South Africa, represented by Adams & Adams, South Africa.

The Respondent is 李辉 (lidong), 李辉 (huanglidong), China.

2. The Domain Name and Registrar

The disputed domain name <suncity-golf.com> is registered with Domainipr Limited (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on May 27, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 11, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 13, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amended Complaint. The Complainant filed an amended Complaint in English on June 17, 2025.

On June 13, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On June 17, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

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 in Chinese and English of the Complaint, and the proceedings commenced on June 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 7, 2025. The Respondent did not submit any

response. Accordingly, the Center notified the Respondent's default on July 9, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on July 24, 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 part of the Sun International Group. It operates a resort hotel and casino chain and specializes in gaming, hospitality, and accommodation services. In particular, the Complainant operates the "Sun City" resort in South Africa, which includes two championship golf courses and casino facilities. The Complainant holds trademarks in multiple jurisdictions, including South African trademark registrations numbers 1978/05183 and 1978/05184, both for SUN CITY, both registered on December 14, 1979, specifying services in classes 41 and 42. Another company within the Complainant's group, Sun International (IP) Limited, holds trademarks in other jurisdictions, including Chinese trademark registration number 22318321 for SUN CITY, registered on March 28, 2018, in class 41. These trademark registrations are current.

The Complainant's group operates a website in connection with the domain name <suninternational.com> where it provides information about itself and its hotels and resorts. The Complainant has also registered the domain name <suncity.co.za>, which redirects to the domain name <suninternational.com>. During the years 2016 to 2023, the Complainant spent, on average, over USD 800,000 per year on advertising and promotion of its SUN CITY resort. The SUN CITY resort hosts an annual professional golf tournament and has won multiple awards at the World Travel Awards.

The Respondent is an individual based in China. His contact details combine a city in Guangdong, China with an address in Hong Kong, China and appear to be incomplete or false.

The disputed domain name was registered on March 6, 2025. It resolves to a website in Chinese displaying advertising and links to gambling and pornography websites.

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 that it holds registered and common law rights in SUN CITY. The disputed domain name is confusingly similar to its SUN CITY mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant confirms that there is no relationship or association between itself and the Respondent, whether by licence or otherwise.

The disputed domain name has been registered and is being used in bad faith. The Respondent's use of the disputed domain name is taking unfair advantage of, and is detrimental to, the distinctive character or repute of the Complainant's well-known SUN CITY trademark.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The Registrar confirmed that the language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Registration Agreement is available in English as well as Chinese, and the disputed domain name is composed of English words.

Despite the Center having sent an email regarding the language of the proceeding, and the notification of the Complaint, in Chinese and English, the Respondent did not make any submission with respect to the language of the proceeding or indicate any interest in otherwise participating in this proceeding.

The Panel, in exercising its discretion to use a language different from the language of the registration agreement (i.e., different from Chinese), has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant.

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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown registered rights in respect of the SUN CITY trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1. It is unnecessary to consider the Complainant's claim to unregistered rights in the same mark.

The entirety of the SUN CITY mark is reproduced within the disputed domain name as its initial element. Despite the addition of the word "golf" separated by a hyphen, the mark is clearly recognizable within the disputed domain name. The only additional element in the disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name, which is confusingly similar to the SUN CITY mark, resolves to a website displaying advertising and links to gambling and pornography websites. The Complainant submits that there is no relationship or association between itself and the Respondent, whether by licence or otherwise. These circumstances indicate that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. The Respondent’s website displays advertising and links to other websites. This use is for the Respondent’s own commercial gain, if he is paid to direct traffic, or for the commercial gain of the operators of the linked websites, or both. These circumstances indicate that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

Further, the Registrar has verified that the Respondent’s name is “李辉 (lidong), 李辉 (huanglidong)”, which does not resemble the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

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.

Based on the record, 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. The fourth such circumstance is as follows:

“(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] website or location or of a product or service on [the respondent’s] website or location.”

The disputed domain name was registered in 2025, years after the registrations of the Complainant’s SUN CITY trademark. It was also years after the registration of that mark by the Complainant’s related company in China, where the Respondent is based. The Complainant has made longstanding and extensive use of its

SUN CITY mark in connection with its resort hotel and gaming services, winning multiple World Travel Awards. Although the SUN CITY mark is composed of two dictionary words, the disputed domain name wholly incorporates the mark and combines it with the word “golf”, which appears to indicate an awareness of the Complainant’s SUN CITY resort, which is known as a golfing destination. The Respondent provides no explanation for his choice of the disputed domain name. Accordingly, the Panel finds that the Respondent was likely aware of the Complainant and its mark at the time when it registered the disputed domain name.

As regards use, the disputed domain name operates by attracting Internet users searching for information about the Complainant’s SUN CITY resort and diverting them to the Respondent’s website, which displays advertising and links to gambling and pornography websites. This use is intentional and for commercial gain. Accordingly, the Panel finds that these circumstances fall within the terms of paragraph 4(b)(iv) of the Policy.

Therefore, 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 <suncity-golf.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: August 4, 2025