

ADMINISTRATIVE PANEL DECISION

Perfect Luck Assets Limited v. Justin Mills

Case No. D2025-2230

1. The Parties

The Complainant is Perfect Luck Assets Limited, Bahamas, represented by Mayer Brown LLP, United States of America (“United States” or “U.S.”).

The Respondent is Justin Mills, United States.

2. The Domain Names and Registrar

The disputed domain names <bahamarresortcasino.com> and <httpsbahamarresortscasino.com> are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 6, 2025. On June 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 11, 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 June 16, 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 June 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 9, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on July 15, 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 Bahamian corporation. It is the operator of a resort complex named BAHAMAR, including a casino, located at Cable Beach, Nassau, Bahamas.

The Complainant is the owner of various registrations for the trademark BAHAMAR, including for example:

- European Union trademark registration number 010613594 for the word mark BAHAMAR, registered on February 26, 2013, in numerous International Classes; and
- United States trademark registration number 5401802 for the word mark BAHAMAR, registered on February 3, 2018, in numerous International Classes.

The Complainant operates a website at "www.bahamar.com".

The disputed domain name <httpsbahamarresortscasino.com> was registered on April 19, 2025. The disputed domain name <bahamarresortcasino.com> was registered on April 20, 2025.

The disputed domain names have resolved to webpages headed "Deep Research: How Bogus Casino Marker Lawsuits Target U.S. Tourists Through Offshore Shells and U.S. Courts." The webpages assert that entities connected with the Complainant are engaged in questionable legal claims involving allegedly unpaid casino markers.

5. Parties' Contentions

A. Complainant

The Complainant states that it opened its BAHAMAR resort in 2017 and that it is currently renowned as a premier Caribbean destination, featuring three luxury hotels, a Jack Niklaus-designed golf course and a water park, in addition to the region's largest casino. The Complainant submits that it has invested significantly in advertising and marketing and refers to articles from a number of noted travel publications concerning its resort and business operations.

The Complainant contends that the disputed domain names are confusingly similar to its BAHAMAR trademark. It submits that both of the disputed domain names include its BAHAMAR mark in its entirety, and that the addition of the terms "resortcasino" and "resortscasino" does nothing to change the overall commercial impression. It adds that the prefix "https" also fails to negate the confusing similarity.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain names. It states that it has no relationship with the Respondent and has never authorized it to use its BAHAMAR trademark, that the Respondent has not commonly been known by the disputed domain names, and that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain names. The Complainant asserts that the disputed domain names are intended to impersonate the Complainant, which cannot give rise to rights or legitimate interests on the Respondent's part.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. It states that the Respondent registered the disputed domain names after the Complainant had instituted legal proceedings against the Respondent in respect of unpaid casino markers. The Complainant submits

that the Respondent registered the disputed domain names with the intention of confusing Internet users into believing they are associated or affiliated with the Complainant and has used them to host content intended to tarnish the Complainant's reputation.

The Complainant requests the transfer of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain names are 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 respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of registered trademark rights for the mark BAHAMAR. Both of the disputed domain names incorporate that trademark, together with the additional dictionary terms "resortcasino" and "resortscasino" and in one case the prefix "https". None of these additions prevents the Complainant's trademark from being recognizable within the disputed domain names, and the Panel therefore finds that the disputed domain names are confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain names. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain names, or evidence of rights or legitimate interests on its part in the disputed domain names, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

The Respondent has, however, used the disputed domain names for the purpose of criticism websites containing allegations against the Complainant or its associated entities. The use of a complainant's trademark in connection with a criticism website has been the subject of numerous prior decisions under the UDRP, the conclusions of which are summarized in section 2.6 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

In summary, to support fair use under paragraph 4(c)(iii) of the Policy, the respondent's criticism must be genuine and noncommercial, e.g., the relevant website must not merely be a pretext for commercial activity. Furthermore, panels have found that even a general right to legitimate criticism does not necessarily extend to registering or using a domain name identical to a trademark, since this creates an impermissible risk of user confusion through impersonation. However, where the domain name is not identical to the complainant's trademark, but comprises the mark plus a derogatory term (e.g., "sucks"), panels tend to find that the respondent has a legitimate interest in using the trademark as part of the domain name of a criticism site, if such use is prima facie noncommercial, genuinely fair, and not misleading or false.

In this case, the disputed domain names consist of the Complainant's trademark, BAHAMAR, together with the terms "resortcasino" and "resortscasino", which are descriptive of the Complainant's activities, and in one case the prefix "https". The disputed domain names do not include any element such as "sucks" which would indicate to Internet users that they are owned or operated otherwise than by the Complainant. In these circumstances, the Panel finds the disputed domain names to be inherently misleading and to constitute an impersonation of the Complainant, in that they will inevitably suggest to Internet users that they are owned or operated by, or otherwise legitimately affiliated with, the Complainant. The disputed domain names therefore create an impermissible risk of user confusion and cannot give rise to rights or legitimate interests on the part of the Respondent.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

C. Registered and Used in Bad Faith

For similar reasons as outlined above, the Panel finds that the disputed domain names have been registered and are being used in bad faith.

The disputed domain names are inherently misleading, as inevitably representing to Internet users that they must be owned or operated by, or otherwise legitimately affiliated with, the Complainant. This represents a deceptive use of the disputed domain names and therefore constitutes bad faith. It is immaterial that, on visiting the Respondent's websites, it becomes clear that they are criticism sites, since the visitor has only been attracted to the websites in the first place because of the deceptive nature of the disputed domain names.

The content of the websites (upon which the Panel expresses no view) is also immaterial in circumstances where the disputed domain names create an impermissible risk of user confusion through impersonation.

The Panel therefore finds that the disputed domain names have been registered and are 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 disputed domain names <bahamarresortcasino.com> and <httpsbahamarresortscasino.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: July 24, 2025