

## **ADMINISTRATIVE PANEL DECISION**

Marshmallow II (St. Lucia) Limited v. Tahir Mahmood  
Case No. D2025-2699

### **1. The Parties**

The Complainant is Marshmallow II (St. Lucia) Limited, Saint Lucia, represented by Riebling IP, PLLC, United States of America.

The Respondent is Tahir Mahmood, Pakistan.

### **2. The Domain Name and Registrar**

The disputed domain name <hedonism-resorts.info> (the “Disputed Domain Name”) is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 9, 2025. On July 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 9, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 10, 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 July 14, 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 July 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2025. The Respondent sent an email communication to the Center on July 10, 2025. The Center informed the Parties that it would proceed with Panel Appointment on August 7, 2025.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on August 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.

#### **4. Factual Background**

The Complainant is the owner of the “clothing optional” all-inclusive resort named “HEDONISM”. “All-inclusive” resort and hotel services refers to the practice of offering holiday services as a package, sold for a fixed price. The Complainant operates a website for and about the Hedonism resort at <hedonism.com> which provides content relating to the resort, and associated travel, trips, vacations, bookings and resort reservations, and advertises theme nights and events including the “Kink Week”.

The Complainant owns various word trademarks for “HEDONISM”. The relevant trademark registrations include, inter alia, the United States of America Trademark Registration No. 2366421 for “HEDONISM RESORTS” in Class 42 registered on July 11, 2000, the United States of America Trademark Registration No. 2431421 for “HEDONISM RESORTS” in Class 39 registered on February 27, 2001, and the United States of America Trademark Registration No. 2271059 for “HEDONISM” in Class 42 registered on August 17, 1999 (the “Complainant’s Trademark”).

The Disputed Domain Name was registered on March 21, 2025, many years after the Complainant registered the Complainant’s Trademark. At the time of filing of the Complaint and the rendering of this Decision, the Disputed Domain Name redirected Internet users to the URL <fetside.com/en>, which states on its landing page: “FetSide is an extraordinary platform combining elements of Twitter, a social network, and a dating site. We are a BDSM, fetish, and kink-friendly social community. Unlike other social media platforms, we are sex-positive and embrace all things kinky! Join to connect with other kinksters, find a kinky pen pal, search for a FemDom, discover local munches and fetish parties, and stay up-to-date with fetish threads” (the “Respondent’s Website”).

#### **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:

- (a) The Disputed Domain Name is nearly identical or confusingly similar to the Complainant’s Trademark. The Disputed Domain Name wholly incorporates the Complainant’s Trademark and merely adds a generic term “resorts” (where the Complainant is a resort) and the generic top-level domain (“gTLD”) “.info”.
- (b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent is clearly using the Disputed Domain Name to take advantage of the decades of goodwill that the Complainant has developed in connection with the Complainant’s Trademark and HEDONISM resort to divert Internet users to its own kink-related website. The Complainant has not authorized or licensed the Respondent to use any of the Complainant’s Trademark in any domain names. There is also no information suggesting that the Respondent is commonly known by the Complainant’s Trademark. The Respondent is not making bona fide use of the Complainant’s Trademark as the Respondent registered the Disputed Domain Name for the purposes of and is using the Disputed Domain Name to divert potential customers of the Complainant and Internet users, and to take advantage of the goodwill established by the Complainant under the Complainant’s Trademark. The

Respondent's attempt to pass off the Disputed Domain Name as being affiliated with the Complainant shows that the Respondent does not have rights and legitimate interests in the Disputed Domain Name. The Respondent is not using the Respondent's Website for a legitimate non-commercial or fair use purpose as the Respondent's Website provides kink-related services in competition with the Complainant.

- (c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. The fact that the Respondent's Website is redirected to another website which offers competing kink-related services makes it clear that when the Respondent registered the Disputed Domain Name, it was aware of the Complainant, and targeted the Complainant and its customers in an attempt to pass itself off as the Complainant, and deceive Internet users into believing that the Respondent and/or the Disputed Domain Name was affiliated with the Complainant. The Respondent attempted to attract Internet users under false pretenses to the Respondent's Website for the Respondent's commercial gain. The Respondent's conduct is deceptive and constitutes a misrepresentation to anyone trying to find the Complainant, by giving the false impression that the Respondent is a partner of the Complainant and/or the HEDONISM resort when it is not the case.

## **B. Respondent**

The Respondent did not submit a formal response to address the Complainant's contentions. The Respondent sent an informal email communication to the Center on July 10, 2025 saying "I do not wish to amend or proceed further with the Complaint, as I no longer intend to renew or claim the domain. Kindly consider this case closed".

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three 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 by the Respondent 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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The entirety of the Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the gTLD in this case ".info" may be disregarded for the purposes of assessing confusing similarity under the first element.

Although the addition of other terms (here, a hyphen "-" between the word "hedonism" and "resorts") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's Trademark 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.

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 Respondent’s failure to respond to the Complainant’s contentions may result in the Panel drawing appropriate inferences. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)). The Panel considers that the Respondent’s email dated July 10, 2025, does not address any of the Complainant’s contentions.

The Panel notes that there is no evidence on the available record to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further agrees that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant’s Trademark or to apply for or use any domain name incorporating the Complainant’s Trademark. The Respondent would likely not have adopted the Complainant’s Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from the Complainant.

There is also no evidence to suggest that the Respondent’s use of the Disputed Domain Name is in connection with a bona fide offering of goods or services or be regarded as legitimate noncommercial or fair use. The Respondent registered a Disputed Domain Name that incorporates the Complainant’s Trademark in its entirety, and has used the Disputed Domain Name to redirect Internet users to its website “[www.fetside.com/en](#)” which is used to advertise kink-related services related to the business of the Complainant. The Respondent’s Website attempts to divert business away from the Complainant while capitalizing on the goodwill associated with the Complainant’s Trademark.

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.

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 it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated the Respondent that would amount to good faith use, given that the Disputed Domain Name reproduces the Complainant’s Trademark in its entirety. As discussed above, the

Respondent lacks any rights or legitimate interests in the Disputed Domain Name (see *Washington Mutual, Inc. v. Ashley Khong*, WIPO Case No. [D2005-0740](#)). Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of its actual or contemplated good faith use of the Disputed Domain Name.

Panels have previously held that a finding of bad faith can be established where a complainant's trademark is shown to be well-known or in wide use at the time of registration of the disputed domain name (see *LEGO Juris A/S v. store24hour*, WIPO Case No. [D2013-0091](#)). The Respondent must have been fully aware of the Complainant and the Complainant's Trademark when it registered the Disputed Domain Name, given the well-known and distinctive nature of the Complainant's brand, evidenced by the trademark registrations for the Complainant's Trademark that was put into use well before the Respondent registered the Disputed Domain Name, and the fact that the Disputed Domain Name redirects Internet users to a website that offers BDSM and "kink-related" content and services relevant to the services offered by the Complainant. The Panel notes that the Respondent attempts to use the Disputed Domain Name to intentionally attract, for commercial gain, Internet users to the Respondent's Website by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's Website.

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 <hedonism-resorts.info> be transferred to the Complainant.

/Gabriela Kennedy/

**Gabriela Kennedy**

Sole Panelist

Date: September 2, 2025