

ADMINISTRATIVE PANEL DECISION

Virgin Enterprises Limited v. Obi Frank
Case No. D2025-2836

1. The Parties

The Complainant is Virgin Enterprises Limited, United Kingdom, represented by Venner Shipley LLP, United Kingdom.

The Respondent is Obi Frank, United Arab Emirates.

2. The Domain Name and Registrar

The disputed domain name <virginhotelssduk.com> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 17, 2025. On July 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 21, 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 23, 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 24, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 19, 2025.

The Center appointed Roger Staub as the sole panelist in this matter on August 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 part of the Virgin Group. The group's VIRGIN branded businesses span a diverse range of sectors. The Complainant submits that there are currently more than 40 VIRGIN branded businesses, which have over 50 million customers worldwide and employ more than 60,000 people across multiple business sectors and five continents. The VIRGIN name has been used since 1970. According to Virgin Group's website, which is accessible via the domain name <virgin.com>, the group also runs a "Virgin Hotels" branded business, which it had launched in 2010. The project aims at providing a smarter hotel alternative for travelers. The Virgin Hotels business operates a website via the domain name <virginhotels.com>. The Virgin Hotels business has won numerous awards.

The Complainant owns a significant amount of trademark registrations consisting of, or containing, the term VIRGIN in various jurisdictions. The Complainant's portfolio of VIRGIN trademark registrations includes, inter alia, the following trademark registrations:

- United Kingdom trademark No. 3163121 VIRGIN, registered on July 29, 2016, in Classes 3, 5, 9, 11, 12, 14, 16, 31-33, 35, 36, 38, 39 and 41-45;
- United States of America service mark No. 4865666 VIRGIN HOTELS, registered on December 8, 2015, in Class 43; and
- International trademark registration No. 1246292 VIRGIN, registered on December 12, 2014, in Class 43, covering, inter alia, Australia, China, the European Union, India, the Russian Federation, and Türkiye.

The Complainant further submits that it has built up a considerable online presence (through its licensees) and is the registered proprietor of over 5,000 domain names consisting of, or incorporating, the VIRGIN mark. The VIRGIN businesses operate pages on various social media platforms with the VIRGIN marks featuring prominently. Collectively, these social media platforms receive over 37 million views each year.

The disputed domain name was registered on June 1, 2025.

The disputed domain name resolves to an active website. The website suggests to consumers that they can make hotel reservations. The Complainant's word/device mark VIRGIN HOTELS is depicted at various places of that website. It is the same logo, which the Complainant uses on its own website accessible under the domain name <virginhotels.com>. The look-and-feel of the two websites are very similar. Some parts of the Complainant's website at the domain name <virginhotels.com> seem to have been copied to the website to which the disputed domain name resolves.

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:

First, the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The disputed domain name is comprised of the terms "virgin", "uk", and "hotel" and therefore incorporates the Complainant's registered mark VIRGIN in its entirety. The disputed domain

name also incorporates the entirety of the Complainant's registered mark VIRGIN HOTELS. The addition of "sd" after "hotels" does not have a material impact on the very close similarity. Internet users will understand the addition of the term "uk" at the end of the disputed domain name as referring to the United Kingdom. It is established in UDRP panel decisions that the addition of descriptive or generic indications to a third party trademark does not avoid the disputed domain name being confusingly similar to the third party trademark.

Second, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name resolves to a website that copies the 2022 Virgin Hotels website almost identically. Marks identical to the Complainant's registered marks have been reproduced without authorization throughout the website, to which the disputed domain name resolves. The website provides a contact phone number that is clearly not a real phone number, and the number has no connection to the Complainant or its Virgin Hotels business. Under the "Book Now" option and the "Choose Hotel" buttons, the website resolves to the Complainant's Virgin Hotels website. Further, it provides the contact email address "[...][@virginhotelssduk.com](mailto:[...]@virginhotelssduk.com)". The footer of the website prompts Internet users to enter their email address and zip code to "SIGN UP FOR NEWS & OFFERS". All this happened without the Complainant's authorization. The unauthorized email address and the invitation to sign up for news are likely to be used for phishing, to obtain sensitive or personal information for fraudulent commercial gain. There is no evidence that the Respondent has ever been commonly known by the disputed domain name, and that it has used or has plans to use the disputed domain name in connection with a bona fide offering of goods or services.

Third, the disputed domain name was registered and is being used in bad faith by the Respondent. The described use of the disputed domain name is clearly done to intentionally deceive consumers into thinking that the disputed domain name is operated by, or connected to, the Complainant or the Virgin Hotels business. It is also very likely that the sign-up function on the website is intended to be used for phishing purposes. The fact that Internet users will be unable to use the website, to which the disputed domain name redirects, to reserve rooms and to obtain information from sending enquiries to the unauthorized email addresses is likely to divert actual or prospective consumers away from the businesses of the Complainant. In view of the significant reputation that existed in the Complainant's registered marks at the time the disputed domain name was registered, it is clear that the Respondent was aware of the Complainant and the Virgin Hotels business at the time of registering the disputed domain name.

B. Respondent

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

6. Discussion and Findings

According to the Policy, to qualify for a cancellation or transfer, the Complainant must prove each of the following:

First, the disputed domain name is identical or confusingly similar to a trademark or service mark to which the Complainant has rights.

Second, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Third, the disputed domain name has been registered and is being used in bad faith.

Since the Respondent did not submit a reply, the Panel may choose to accept the reasonable contentions of the Complainant as true. This Panel will determine whether those facts constitute a violation of the Policy that is sufficient to order the transfer of the disputed domain name (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#)).

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 disputed domain name. Accordingly, the disputed 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: "sduk") 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 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.

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.

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.

Panels have held that the use of a domain name for illegitimate activity (here, claimed phishing and/or impersonation) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 disputed domain completely incorporates the Complainant's trademark, which has a high reputation. The only difference is the addition of "sduk". In particular, the addition of the two letters "uk" suggests to consumers that the disputed domain name is one of the

Complainant's Internet addresses, where the consumers can make hotels reservations with the Complainant (particularly in the United Kingdom). This wrong impression is further supported by the fact that consumers, when visiting the website, which is accessible under the disputed domain name, can see not only the Complainant's group's logo but also parts that are identical to the Complainant's website. All this creates a likelihood of confusion. There are no plausible indications for a possible good faith use of the disputed domain name by the Respondent. The Respondent failed to submit a response and, thus, any evidence of an actual or contemplated good faith use.

Panels have held that the use of a domain name for illegitimate activity (here, claimed phishing and/or impersonation) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <virginhotelssduk.com> be transferred to the Complainant.

/Roger Staub/

Roger Staub

Sole Panelist

Date: September 9, 2025