

ADMINISTRATIVE PANEL DECISION

Visit Turks and Caicos Islands Limited v. TURKS & CAICOS ISLANDS TOURIST BOARD Case No. D2025-3065

1. The Parties

The Complainant is Visit Turks and Caicos Islands Limited, Turks and Caicos Islands, United Kingdom, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States of America.

The Respondent is TURKS & CAICOS ISLANDS TOURIST BOARD, Turks and Caicos Islands, United Kingdom, represented by Misick & Stanbrook, Turks and Caicos Islands, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <visitturksandcaicos.com> (the “Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 1, 2025. On August 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 5, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 5, 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 amendment to the Complaint on August 8, 2025.

The Center verified that the Complaint together with the amendment to the 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 August 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2025. The Response was filed with the Center on August 29, 2025. Further, the Complainant filed a Supplemental Filing on September 5, 2025.

The Center appointed Nick J. Gardner as the sole panelist in this matter on September 8, 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.

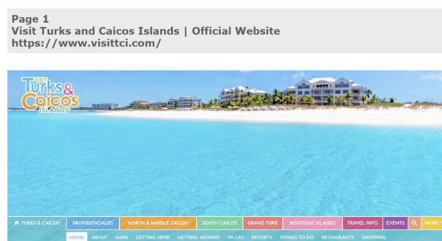
The Respondent filed a submission on September 12 objecting to the Complainant's Supplemental Filing.

On October 3, 2025 the Panel issued a Procedural Order (the "Procedural Order") with the following substantive content:

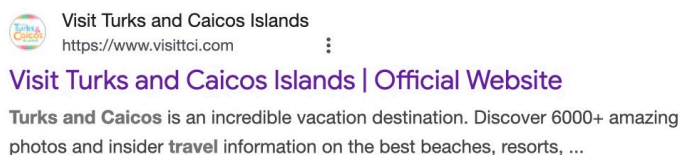
"Background

The Complaint contains the following statement: "Complainant publishes a tourism website at <https://www.visittci.com>, called 'Visit Turks & Caicos Islands', which provides information about Turks and Caicos Islands for visitors, including transportation, lodging, activities and attractions, events and news. Complainant also provide images, video and information for use in articles and projects to journalists and those promoting tourism to the Turks and Caicos. Attached hereto as Annex 6 is a printout of the home page of Complainant's website".

It appears to the Panel that the statement that the Complainant's website uses the name "Visit Turks & Caicos Islands" is inaccurate in that it actually combines those words with the words "Official Website". See below for a screenshot of the top of Annex 6.



As can be seen the name that is displayed is not just "Visit Turks and Caicos Islands" but also includes the words "Official Website". It appears that the Complainant's website is coded in a manner that causes its name to be displayed (in Google Searches for example) as "Visit Turks and Caicos Islands | Official Website". The Panel's experience was that performing a Google search for "Visit Turks and Caicos Islands" returned as a top result a link to the Complainant's website which was displayed as follows:



The same words will appear in a browser tab (if there is sufficient space to display them) if multiple pages are open in a browser."

The Panel invited the Complainant to comment upon the above description of the Complainant's website and in particular to explain the basis upon which it is described as being an "Official Website" and to provide a supplementary statement addressing this issue by October 13, 2025. The Respondent then had until October 20, 2025, to file any submissions or evidence that it wishes in relation to this issue.

Both the Complainant and the Respondent filed timely submissions pursuant to the Procedural Order (the “Complainant’s PO Response” and the “Respondent’s PO Response” respectively). The content of these submissions is discussed below.

4. Factual Background

There does not seem to be any dispute about the following facts.

The Complainant is a privately owned commercial organisation. It is a company incorporated in the Turks and Caicos Islands. The Turks and Caicos Islands are a British Overseas dependency with their own legal system and government. The Complainant owns the domain name <visittci.com>. That domain name resolves to a website which promotes the Turks and Caicos Islands (the “Complainant’s Website”). That website uses a logo at the top of each page which is a stylised form of the words “Visit Turks and Caicos Islands”. The Complainant’s Website contains a large amount of substantive content about the Turks and Caicos Islands including details of hotels, resorts, tourist activities and so on and includes links to the corresponding third-party websites relating to the featured items. The Complainant no doubt earns revenue as a result of referrals from the Complainant’s Website to third party websites. No information has been provided about the amount of revenue the Complainant’s Website generates. Statements on the Complainant’s Website say it receives over 2 million visits a year. See further below for a discussion as to the name used on the Complainant’s website.

The Complainant is the owner of several trademark registrations for VISIT TURKS AND CAICOS ISLANDS and VISIT TURKS & CAICOS ISLANDS, including:

- Turks and Caicos Reg. No. 16870 for VISIT TURKS AND CAICOS ISLANDS (registered January 17, 2012)
- U.S. Reg. No. 4,356,149 for VISIT TURKS AND CAICOS ISLANDS (registered June 25, 2013)
- U.S. Reg. No. 4,726,870 for VISIT TURKS & CAICOS ISLANDS (registered April 28, 2015)
- Turks and Caicos Reg. No. 216366 for VISIT TURKS & CAICOS ISLANDS (registered August 21, 2023)
- U.S. Reg. No. 7,820,174 for VISIT TURKS & CAICOS ISLANDS (registered June 3, 2025)

The Complainant’s Website has been active since 2011.

The Respondent is a not-for-profit body established by the government of the Turks and Caicos Islands. The Respondent does business as “Experience Turks and Caicos” and has trademarked the name EXPERIENCE TURKS AND CAICOS and the name EXPERIENCE TCI. Its remit is to promote tourism in the Turks and Caicos Islands. It acquired the Disputed Domain Name in or about June 2025. It redirects to a website (the “Respondent’s Website”) at “www.turksandcaicostourism.com”. The Respondent’s Website is broadly similar in nature to the Complainant’s Website. The Respondent’s Website uses a logo at the top of each page which is a stylised form of the words “Experience Turks and Caicos Islands”

The Disputed Domain Name was originally created on January 13, 2006. It appears that prior to its acquisition by the Respondent it had not been actively used for many years.

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 as follows

1. The Disputed Domain Name is identical or confusingly similar to the Complainant's VISIT TURKS AND CAICOS ISLANDS trademark;
2. The Respondent has no rights or legitimate interests in the Disputed Domain Name, as the Complainant has never authorized the Respondent to use its trademark, and the Respondent is using the domain to offer identical services in direct competition with the Complainant;
3. The Disputed Domain Name was registered and is being used in bad faith, as the Respondent must have been aware of the Complainant's trademark rights when acquiring the Disputed Domain Name and is using it to compete directly with Complainant's services.

B. Respondent

The Respondent contends as follows.

1. It is the official Turks & Caicos Islands Tourist Board, a governmental organization established to promote tourism to the Turks and Caicos Islands.
2. It has legitimate rights and interests in the Disputed Domain Name as the official tourism promotion body for the territory.
3. Its use of the Disputed Domain Name is for noncommercial, governmental purposes in promoting tourism to the Turks and Caicos Islands.
4. The phrase "Visit Turks and Caicos" is descriptive and relates to the geographic location, which the Respondent has a legitimate right to use in its official capacity.

6. Discussion and Findings

Procedural Issues – Supplemental Filings

Before entering into the merits of the case, the Panel addresses the issue of the unsolicited supplemental filings submitted by both the Complainant and the Respondent on September 5 2025 and September 12, 2025 respectively.

No provision concerning supplemental filings is made in the Rules or Supplemental Rules, except at the request of the panel according to paragraph 12 of the Rules, which states the panel, in its sole discretion, may request any further statements or documents from the parties it may deem necessary to decide the case.

According to paragraph 10 of the Rules, the panel has the authority to determine the admissibility, relevance, materiality, and weight of the evidence, and also to conduct the proceedings with due expedition, ensuring that the Parties are treated with equality and that each Party is given a fair opportunity to present its case.

As stated in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.6, unsolicited supplemental filings are generally discouraged – unless specifically requested by the panel – and the party submitting an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response.

Accordingly, UDRP panels generally accept supplemental filings only when they provide material new evidence or a fair opportunity to respond to arguments that could not reasonably have been anticipated. See, for example, *Welcomemat Services, Inc. v. Michael Plummer Jr., MLP Enterprises Inc.*, WIPO Case No. [D2017-0481](#).

The Complainant's supplemental submission of September 5, 2025 relates primarily to the Respondent's claim to be "noncommercial". As such it seems to be matters of argument rather than the introduction of any new material. The Panel declines to admit the filing. It follows that the Respondent's supplemental filing of September 12, 2025 is also not admitted.

Nevertheless, the Panel notes that, should the Panel have admitted these supplemental submissions, the outcome of the case would have been the same.

The Complainant's PO Response and the Respondent's PO Response are responsive to the Panel's request in the Procedural Order and are admitted (see further below).

Substantive Issues

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with 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 Name;
- (iii) the Disputed 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 Disputed Domain Name incorporates the dominant elements of the Complainant's registered trademarks VISIT TURKS AND CAICOS ISLANDS. The only difference is the omission of the word "islands" from the domain name. The omission of a single word from a trademark does not prevent a finding of confusing similarity where the dominant elements of the mark are reproduced – see [WIPO Overview 3.0](#), section 1.7.

It is also well established that the generic Top-Level Domain ("gTLD"), in this case ".com", does not affect the Disputed Domain Name for the purpose of determining whether it is identical or confusingly similar. See, for example, *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#).

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled. The Panel also notes that the Respondent concedes this is the case.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

In view of the Panel's decision in relation to the third element (see below) the Panel does not need to address this issue.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy a non-exhaustive list of factors evidencing registration and use in bad faith comprises:

- (i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

The Panel has found assessing whether bad faith is present a difficult task on the facts of this case. The Complainant has clearly said that factors (iii) and/or (iv) are applicable and that the Respondent must have known of the Complainant and its business when it obtained the Disputed Domain Name.

The Respondent puts its case as follows:

"The Respondent asserts that the Disputed Domain Name was not registered in bad faith because, as previously mentioned, the Respondent plays a pivotal role and has status in discharging public functions. In particular, its function is to encourage persons to visit the Turks and Caicos Islands. It would be unreasonable to prevent the Respondent from using the phrase 'visit Turks and Caicos Islands' or 'Visit TCI' in carrying out that. Secondly, the Disputed Domain Name was registered and used for no commercial purpose and is a fair use of the domain name. It is not used with the intent for commercial gain, nor is it intended to divert visitors from the domain name of the Complainant".

As mentioned above the Complaint very clearly alleged that the Respondent must have known of the Complainant and its business. The Response has not challenged that allegation and the Panel infers that it is correct. Given that was the case what was in the Respondent's mind when it acquired the Disputed Domain Name? It would appear that the Respondent as the "authorised" tourist board thought it somehow had a "better" (or at least equal) right to use the term "Visit Turks and Caicos" than the Complainant and chose to acquire the Disputed Domain Name presumably to help attract more customers to its website. It would appear that at best in doing so it was not caring that its use of the Disputed Domain Name would overlap with the usage made by the Complainant of the same term and as a result would be likely do harm to the Complainant's business. If that was the case that would seem to indicate that a finding of bad faith may be appropriate. However the fact that the term "Visit Turks and Caicos" is said to be a generic or descriptive phrase may mitigate against such a finding, noting however the Complainant's registered trademarks which include that term (see above).

In any event a further factor troubles the Panel. That is the matter raised by the Procedural Order – the fact that the Complainant describes its website as an "Official Website".

The Complainant's Procedural Order Response clarifies that this term does not appear on any pages of the website but is coded in the HTML code for its website as part of the "title" tag. The Complainant says "As described by WHATWG, the Web Hypertext Application Technology Working Group: "The title element

represents the document's title or name. User agents [such as web browsers] should use the document's title when referring to the document in their user interface." As a result the entire content of Complainant's HTML title tag – "Visit Turks and Caicos Island | Official Website" – may be displayed, as the Panel has correctly observed, in search results".

The Complainant goes on to say "Although Complainant is unaware of any legal definition of the phrase "official website," the "Idiom" website and app define "official website" as follows: "A website that is maintained by an organization or entity and contains authoritative information about that organization, its services, products, or events". Complainant uses this phrase for that very purpose – because Complainant's website contains authoritative information about Complainant, its services and events.

It then says "it is common practice for websites to use the phrase "Official Website" following their trademark, as shown in the following Google search result for Tripadvisor, a company that, like Complainant, is in the travel industry" which is followed by a Google search result as described.

And

"As the exclusive owner of the VISIT TURKS AND CAICOS ISLANDS Trademark (as defined in the Complaint), Complainant uses the words "Official Website" in its HTML title tag to distinguish its website from imitators. For example, as the following Google search result shows, unrelated third parties that do not own any registrations for the VISIT TURKS AND CAICOS ISLANDS Trademark have used this trademark (or words confusingly similar thereto) in their own HTML title tags" which is followed by a Google search result showing third party websites using the term "Visit Turks and Caicos".

And

"To help reduce consumer confusion with websites such as those shown in the Google search results above, Complainant uses the phrase "Official Website" in the title tag of its HTML code to distinguish its website from others that have no rights to use the VISIT TURKS AND CAICOS ISLANDS Trademark. This is appropriate not only because Complainant is the exclusive owner of the VISIT TURKS AND CAICOS ISLANDS Trademark but also because Complainant's website is the largest tourism website in Turks and Caicos. As shown below, Ahrefs, a search-engine optimization ("SEO") tool that describes itself as the "largest AI and search keyword database," which is well-known in the SEO community, shows that Complainant's website is the top result for searches in the United States, the primary tourism market, for the phrase "turks and caicos"."

The Respondent in the Respondent's PO Response makes the following main points.

The Respondent accepts that it is possible for an owner of a website to use the words "official website" to indicate that it contains authoritative information about the owner's business, services, or products. However, whether the use of the words official website in any particular case goes beyond this purpose requires scrutiny of the website as a whole.

It then says '[i]n this case, the configuration of the website 'Visit Turks and Caicos Islands | Official Website' "is such as to indicate that it is the official website of the Turks and Caicos Islands and not merely that of the Complainant as a private limited company. The website does not contain the correct registered name of the Complainant, which is Visit Turks and Caicos Islands Limited. The word "Limited" is an integral part of the Complainant's name and is used to indicate that it is a private limited company. It is a legal requirement under Section 34 (1) of the Companies Act 2017 of the Turks and Caicos Islands that the name of a limited company must end with the word "Limited" or "Ltd". Under section 39(2), it is a legal requirement that a registered company shall disclose its full registered name on any website. It is an offence for a company to contravene the provision, which is punishable on summary conviction to a fine of USD\$20,000.00.

The provision of Section 39 (2) is to protect the public so that members of the public can identify the organization behind a website. The Complainant is in breach of these provisions, and the omission to include its full name on its website is deliberately designed to give the misleading impression that the website is the official website of the Turks and Caicos Islands”.

And

“In order to depict the website as being the official website of the Complainant, the website should have been displayed as follows: ‘VisitTCI.com | Official Website of Visit Turks and Caicos Islands Limited.’ A visit to the Complainant’s website would lead one to assume that the website is the official website of the Turks and Caicos Islands in the absence of the full name of the Complainant.”

The Panel tends to agree with the Respondent that the overall impression given by the way the Complainant uses the term “Official Website” is that it tends to suggest that its website is run by or with the approval of the Turks and Caicos government or its duly designated tourist authority. That was how the Panel understood it initially when carrying out a Google search – and as a result the Panel spent some while confused as to what exactly was going on and whether or not the Complainant was in some way licensed by the Turks and Caicos government. It was this confusion which led to the Panel issuing the Procedural Order.

The Panel has reservations as to whether it is appropriate to transfer the Disputed Domain Name to a privately owned commercial company that is at least arguably using the term “Official Website” in a way which is likely to mislead consumers. In this regard the Panel considers that the structure <visit[geographicalname].com> appears to be widely used by official tourist boards operated by or on behalf of the geographic entity in question. See *Qatar National Tourism Council v. Teymur Mehdiyev*, WIPO Case No. [D2019-1758](#) (<visitqatar.com>) and the various cases therein cited. Transferring the Disputed Domain Name is in the opinion of the Panel likely to increase the potential for misleading consumers (assuming the Complainant puts it to use in relation to its existing business).

The Panel also has reservations as to whether it is appropriate to transfer the Disputed Domain Name in circumstances where the Complainant’s Website is according to the Respondent allegedly operating in breach of the laws of the Turks and Caicos Islands in not properly displaying the Complainant’s full name. The Panel agrees with the Respondent that the absence of the full name again increases the potential for consumers being confused into believing the Complainant’s Website is operated by or with the approval of the Turks and Caicos government or its duly authorized tourist authority. The allegation as to breach of the laws of the Turks and Caicos Islands is not however a matter that is within the jurisdiction of the Policy or the Panel.

Having carefully considered these issues and the circumstances of the present case the Panel has reached the conclusion that this issue is not suitable for determination within the limited framework provided by the Policy. The Panel considers this issue, and hence this dispute, is better determined by the appropriate Court in the Turks and Caicos Islands (see [WIPO Overview 3.0](#) at section 4.14.6). This is for the following reasons.

Both Parties are resident in the Turks and Caicos Islands.

- The Court’s procedures are likely to include steps (e.g., discovery of documents, in person hearings, cross examination) which will assist with the following areas.
- The Court will be better placed to determine the Respondent’s knowledge and intention at the time it obtained the Disputed Domain Name.
- The Court will be able to investigate further the basis on which the Complainant describes its website as an “Official Website” and determine the relevance (if any) of that claim.
- The Court will if appropriate be able to receive evidence as to how consumers understood the meaning of the term “Official Website” when used in relation to the Complainant’s Website.

- The Court will be able to investigate the alleged breaches of Turks and Caicos law that the Respondent says arise in relation to the Complainant's Website and the relevance, if any, of such breaches (if established).
- The Court will be able to determine the Respondent's claim that it is entitled to use the Disputed Domain Name because it is descriptive.
- The Court will be able to assess any relevant matters relating to the validity and infringement of the various trademarks registered in the Turks and Caicos Islands that each party owns.
- The Court will be able to determine the accuracy and significance (if any) of the Respondent's claim to be noncommercial.
- The Court will be able to consider the Respondent's claimed status as the "official Turks and Caicos Islands tourist board" and assess the relevance (if any) of that fact.

Accordingly, the Panel declines to make any finding in relation to the third element.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: October 28, 2025