

ADMINISTRATIVE PANEL DECISION

Viceroy Hotels, LLC and Viceroy International Hotel Management LLC v.
Nuttapon Phonmalai
Case No. D2025-3181

1. The Parties

The Complainants are Viceroy Hotels, LLC, United States of America (“United States”), and Viceroy International Hotel Management LLC, United States (collectively the “Complainant”), represented by Neal, Gerber & Eisenberg LLP, United States.

The Respondent is Nuttapon Phonmalai, Thailand. ¹

2. The Domain Name and Registrar

The disputed domain name <hviceroysandresorts.com> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 8, 2025. On August 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 11, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 12, 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 August 19, 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”).

¹The Complaint was initially filed against an individual who appears to have owned the disputed domain name prior to its transfer to the current owner. On August 26 and August 28, 2025, the Registrar indicated to the Center that the disputed domain name was transferred by that individual to the current owner in May 2025, but the Whois details have not been updated. On November 18, 2025, the Panel issued Procedural Order No. 1, instructing that the Center request the Registrar inter alia to identify the current actual owner of the disputed domain name and provide its full contact details.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the registrant on record of the Complaint, and the proceedings commenced on August 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2025. The registrant on record sent email communications to the Center on August 18, 2025, August 19, 2025, August 21, 2025, August 25, 2025, and August 26, 2025. The Registrar sent email communications to the Center on August 26, 2025 and August 28, 2025. The Center notified the Parties of the commencement of panel appointment process on September 11, 2025. The Complainant requested the suspension of the proceedings on September 15, 2025. The proceedings were suspended on September 16, 2025. The Complainant requested the reinstatement of the proceedings on October 23, 2025, and the proceedings were reinstated on October 27, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on October 30, 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.

On November 18, 2025, the Panel issued Procedural Order No. 1, instructing that the Center request the Registrar (i) to identify the current actual owner of the disputed domain name, (ii) to provide its full contact data, (iii) to forward the Notification of Complaint, the Complaint and its corresponding Annexes to the current actual owner of the domain name, and (iv) upon such disclosure, that the Center forward the Notification of Complaint, the Complaint and its corresponding Annexes to the current actual owner of the disputed domain name and provide it with seven days to provide its comments and/or Response to the Complaint. No further submissions were received.

4. Factual Background

The following facts are undisputed.

The Complainant is a company that is known in connection with the provision of hotel, resort, residential condominium and related goods and services worldwide.

The Complainant owns all right, title and interest in the VICEROY and VICEROY HOTEL marks and tradename (the "VICEROY Marks") in connection with hotel, resort, residential condominium and related goods and services. The Complainant operates VICEROY properties located throughout the United States and world, including in Mexico, Saint Lucia, Serbia, Portugal and Panama.

The Complainant is the owner of more than 100 trademark and service mark registrations worldwide for VICEROY and VICEROY HOTEL, including the following:

- VICEROY, United States Registration No. 2741530, registered July 29, 2003, in class 43;
- VICEROY, European Union Registration No. 4424453, registered August 26, 2009, in classes 35 and 43; and
- VICEROY HOTEL, United States Registration No. 2670019, registered December 31, 2002, in class 42.

The Complainant further promotes its marks and services through numerous websites and social media accounts, including its @viceroysandresorts Instagram account, and its website at "www.viceroysandresorts.com". The Complainant has also received significant media attention and acclaim in international publications such as Elle Décor, the New York Times, Condé Nast Traveler, Food & Wine, Travel + Leisure, and Lucky Magazine.

The disputed domain name was registered on May 8, 2025. According to the information provided by the Registrar, it was acquired by the current owner on May 23, 2025. It does not resolve to an active website.

On June 3, 2025, the Complainant's counsel sent a letter to the proxy for the Respondent via the email address provided by the WhoIs records of the disputed domain name, demanding an immediate transfer of the disputed domain name and that the identity of the Respondent be revealed. The proxy for the

Respondent did not respond. The Complainant's counsel also sent a letter to the Registrar notifying it of the Respondent's infringing conduct. The Registrar also did not respond.

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 the following.

Aside from the irrelevant addition of ".com" generic Top-Level Domain and the addition of the letters "h" and "l", the disputed domain name prominently features the VICEROY and VICEROY HOTEL trademarks and trade name.

In view of the global renown and prestige of the Complainant's name and brand, it is extremely likely that the disputed domain name was registered with full knowledge of the Complainant's use of, and prior rights in, its VICEROY, VICEROY HOTEL, and VICEROY HOTELS & RESORTS marks, its Viceroy Hotels & Resorts trade name, and its <viceroymhotelsandresorts.com> domain name.

Given that the disputed domain name includes the entirety of the Complainant's VICEROY and VICEROY HOTEL Marks, and merely adds the letters "h" and "l" to the legitimate <viceroymhotelsandresorts.com> domain name, the disputed domain name constitutes typosquatting, which is further evidence of the Respondent's bad faith registration and use of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

6.1. Identity of Respondent

The Panel notes the Complaint was filed against an individual who appears to have owned the disputed domain name prior to its transfer to the current owner and who claims that he no longer has control of, or interest in, the disputed domain name. On August 26 and August 28, 2025, the Registrar indicated to the Center that on May 23, 2025, i.e. prior to the filing of the Complaint, that individual transferred the disputed domain name to its current owner, but this transfer of ownership has not been reflected in the Whois record. On December 2, 2025, pursuant to the Panel's Procedural Order No. 1, the Registrar revealed that the current actual owner of the disputed domain name is Nuttapon Phonmalai. On the same day, the Center forwarded the Notification of Complaint, the Complaint and its corresponding Annexes to Nuttapon Phonmalai and allowed him seven days to provide any comments and/or Response to the Complaint. No further submissions were received.

Noting the information provided by the Registrar, the Panel finds that the Registrar-disclosed current owner of the disputed domain name, Nuttapon Phonmalai, should be regarded as the Respondent in these proceedings.

6.2. Substantive Issues

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 Panel finds the VICEROY Marks are recognizable in the disputed domain name, and the latter is thus confusingly similar to the relevant marks for purposes of the first element. [WIPO Overview 3.0](#), section 1.7.

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. Moreover, the nature of the disputed domain name, which clearly incorporates the VICEROY Marks and is nearly identical to the Complainant's official domain name, confirms the misleading nature of the disputed domain name, which does not confer any rights or legitimate interests.

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

C. Registered and Used in Bad Faith

The Panel refers to its considerations under section 6.B.

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 the composition of the disputed domain name which is nearly identical to the Complainant's official domain name, which leads to a finding of bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the

disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <hvicero-hotelsandresortsl.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: December 5, 2025