

ADMINISTRATIVE PANEL DECISION

Sandals Resorts International 2000 Inc. v. Clark Smith / VEMOBLI
Case No. D2025-3196

1. The Parties

The Complainant is Sandals Resorts International 2000 Inc., Panama, represented by Dechert LLP, United Kingdom.

The Respondent is Clark Smith, VEMOBLI, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <sandals-resorts.cfd> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 11, 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 confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 10, 2025.

The Center appointed Alfred Meijboom as the sole panelist in this matter on September 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 has been operating a holiday business under the SANDALS brand since the mid-1980s, and it currently operates 17 luxury hotels across 8 Caribbean islands operating under the SANDALS brand.

The Complainant registered a portfolio of trademarks for SANDALS, including:

- United States trademark SANDALS with registration number 1614295 of September 18, 1990 for services in classes 39 and 42;
- United States trademark SANDALS with registration number 2054532 of April 22, 1997 for goods in classes 16, 18 and 25; and
- United States trademark SANDALS RESORTS with registration number 4047770 of November 1, 2011 for services in class 43.

The Complainant also operates a website under its domain name <sandals.com>.

The disputed domain name was registered on May 23, 2025, and does not resolve to an active website. Nothing is known about the Respondent, other than that the Complainant has undisputedly argued that the Respondent's contact details in the Whois records are false. The Panel notes that the Center's Written Notice could not be delivered by overnight courier because the address details were incorrect.

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 the disputed domain name is confusingly similar to the Complainant's SANDALS trademarks. According to the Complainant the addition of the generic word "resorts" serves only to enhance the confusion between the disputed domain name and the Complainant's SANDALS trademark, as the word "resorts" risks misleading Internet users to misunderstand they are being directed to services provided by, or related to, the Complainant.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name because, due to the international reputation and presence of the Complainant, it is reasonable to assume that the Respondent was aware of the Complainant and its rights and reputation in the SANDALS trademark at the time the disputed domain name was registered. The Complainant's primary submission is that the Respondent chose the disputed domain name because it knew that the Complainant's SANDALS trademarks were well-known and associated with the Complainant, and that the use of the disputed domain name would create an association with the Complainant's business as a result of its similarity to the SANDALS trademarks, and that the disputed domain name would, as a result, draw traffic to the Respondent's website. Alternatively, the Complainant asserts that the Respondent had constructive knowledge or should have known of the Complainant's rights in the SANDALS trademarks which would have been revealed by a basic trademark search of either the United States, European Union or many other national trademark registries or by searching the words "sandals", or "sandals resorts" using an Internet search engine. The Complainant also asserts that, as the disputed domain name appears to be passively held, the Respondent has not used or made "demonstrable preparations" to use the disputed domain name nor can the Respondent argue that it is making legitimate non-commercial or fair use of the disputed domain name without the intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's SANDALS trademarks. The Complainant also contends that it has not licensed or otherwise permitted or authorized the Respondent to use its trademarks or to apply for a domain name incorporating its trademarks, and as far as the Complainant is aware, the Respondent's name does not also include the Complainant's trademarks or anything similar and it is not commonly known by the SANDALS trademark.

The Complainant asserts that the disputed domain name was registered in bad faith because it was primarily registered for the purpose of disrupting the Complainant's business, while the Respondent must have been aware of the Complainant's SANDALS trademarks when it registered the disputed domain name. According to the Complainant, the Respondent could not have chosen or subsequently used the Complainant's entire SANDALS trademark in the disputed domain name for any reason other than to trade on the Complainant's rights in the trademark and to confuse Internet users into thinking that the Respondent is somehow connected to the Complainant, which, in itself, the Complainant considers evidence of bad faith, both generally and specifically, within the meaning of paragraph 4(b)(iii) of the Policy.

The Complainant contends that the Respondent operates, or intends to operate, the disputed domain name intentionally to detract from the Complainant's legitimate website and to have a vehicle through which, in future, they would attract Internet users to its website or other on-line locations for commercial gain by creating a likelihood of confusion with the Complainant's SANDALS trademark as to the source, sponsorship, affiliation or endorsement of its websites or a product or service on its websites. Given that the Complainant, the Complainant's business and the use of the SANDALS trademarks in respect of the Complainant's business are internationally renowned and that the Complainant has significant goodwill, reputation and registered trademark protection in the SANDALS trademarks, as well as the similarity with the Complainant's domain name <sandals.com>, the Complainant contends that it is inevitable that Internet users will be confused into believing that any website the disputed domain name is used for, is operated by or authorized by the Complainant. According to the Complainant, the disputed domain name has also been used in a way that is likely to dilute the reputation of the Complainant's SANDALS trademarks and as such it is evidence of bad faith. Further, the Complainant asserts that the Respondent's passive holding of the disputed domain name is an indication of bad faith use because the Complainant's SANDALS trademarks have a strong reputation and are widely known, the Respondent has not provided any explanation or evidence of any actual or contemplated good faith use of it by the disputed domain name, and the Respondent's used incorrect, or inaccurate, contact details. The Complainant also provided reference to different recent panel decisions, showing that the Respondent has exhibited a pattern of repeated trade mark-abusive registrations of domain names.

B. Respondent

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

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the consensus view of UDRP panels is that the respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in this proceeding. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

- (i) the disputed domain name is 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 name; and
- (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 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 applicable Top Level Domain ("TLD") in a domain name (in this case ".cfd") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the Complainant's SANDALS RESORTS trademark is included in its entirety in the disputed domain name, with the sole inclusion of a hyphen between the words composing the trademark, which doesn't prevent a finding of confusing similarity. Accordingly, the disputed domain name is confusingly similar to the Complainant's SANDALS RESORTS trademark for the purposes of the Policy. [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.

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 the Respondent has registered the disputed domain several decades after the Complainant registered its SANDALS and SANDALS RESORTS trademarks. The Panel is satisfied that the evidence in the present case supports the Complainant's contention that it has built up considerable goodwill and reputation with its trademarks over time. Under these circumstances, and in light of the fact that the Respondent has not provided any explanation that casts a different light on its decision to

register the disputed domain name, the Panel finds it likely that the Respondent had the Complainant's SANDALS and SANDALS RESORTS trademarks in mind when it registered the disputed domain name.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3 provides that "factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good faith use; (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement); and (iv) the implausibility of any good faith use to which the domain name may be put." Each of these factors militates in favor of a finding of bad faith under the Policy in the circumstances of this case. All these factors play a role in the present case, as it has already been considered that the Complainant's trademarks have a reputation, while the Respondent has not submitted a Response, has clearly falsified its contact details, and no good reason can be found for the Respondent to make any bona fide use of the disputed domain name.

Furthermore, the Respondent is clearly engaged in a pattern of conduct that prevents trademark owners from reflecting their trademarks in domain names (Paragraph 4(b)(ii) of the Policy). The Panel has identified no fewer than 15 UDRP panel decisions published by different dispute resolution service providers in the past six months in which the Respondent abusively registered domain names that were awarded by the panelists to the relevant trademark owners (e.g., *Belmont Village, L.P. v. Clark Smith, VEMOBLI*, WIPO Case No. [D2025-1327](#); *Principal Financial Services, Inc. v. Clark Smith, VEMOBLI*, WIPO Case No. [D2025-1458](#); *SODEXO v. Clark Smith, Vemobli*, WIPO Case No. [D2025-1976](#); *LPL Financial LLC v. Clark Smith, VEMOBLI*, WIPO Case No. [D2025-2112](#); *CTC Innovations, LLC v. Clark Smith, VEMOBLI*, WIPO Case No. [D2025-2604](#)). This finding of a manifest pattern of abusive domain name registrations is, in the absence of a convincing explanation from the Respondent, sufficient in itself to justify a finding that the Respondent registered and used the disputed domain name in bad faith.

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 <sandals-resorts.cfd> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: September 26, 2025