

ADMINISTRATIVE PANEL DECISION

Montage Hotels & Resorts, LLC and Pendry Intellectual Property Holding Company, LLC v. Clark Smith, VEMOBLI
Case No. D2026-1697

1. The Parties

Complainants are Montage Hotels & Resorts, LLC, United States of America ("United States" or "U.S."), and Pendry Intellectual Property Holding Company, LLC, United States, represented by Neal, Gerber Eisenberg LLP, United States.

Respondent is Clark Smith, VEMOBLI, United States.

2. The Domain Names and Registrar

The disputed domain names <montage-laguna-beach.top>, <pendry-newport-beach.cfd> and <pendry-newport-beach.top> are registered with NameSilo, LLC, (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 22, 2026. On April 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 22, 2026, the Registrar transmitted by email to the Center its verification response, confirming that Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to Complainant on April 24, 2026.

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 Respondent of the Complaint, and the proceedings commenced on April 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 17, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on May 26, 2026.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on June 1, 2026. 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

Complainant Montage Hotels & Resorts, LLC operates under the MONTAGE mark a collection of distinctive luxury hotels, resorts, and residences that convey a shared dedication to comfortable elegance. Complainant's flagship resort is located in Laguna Beach, California, United States.

Complainant Pendry Intellectual Property Holding Company, LLC operates under the PENDRY trademark a collective of contemporary luxury boutique hotels, resorts, and residences that complement the local culture. Complainant opened its first property in San Diego, California and operates properties in other locations, including Newport Beach, California.

Complainants' MONTAGE and PENDRY-branded products and services have garnered numerous high-profile and coveted industry awards, including inclusion in Travel + Leisure World's Best Awards, Condé Nast Traveler's Top 100 Best in the World, U.S. News and World Report's Top 25 Luxury Hotels in the United States, and the Forbes Five Star Award.

Complainant Montage Hotels & Resorts, LLC owns several United States trademark registrations for its MONTAGE mark. (The date of each registration appears in parenthesis). These registrations include United States Registration No. 2801152 (December 30, 2003); United States Registration No. 4822219 (September 29, 2015); and United States Registration No. 4061056 (November 22, 2011).

Complainant Pendry Intellectual Property Holding Company, LLC is the current owner of several United States trademark registrations that consist of, or incorporate in significant part, the PENDRY mark. (The date of each registration appears in parenthesis). These registrations include United States Trademark Registration No. 5708135 (March 26, 2019); United States Trademark Registration No. 5694337 (March 12, 2019); and United States Trademark Registration No. 5617532 (November 27, 2018).

Each Complainant also owns numerous trademark registrations for their MONTAGE and PENDRY marks in other jurisdictions around the world.

Complainants own and maintain the domain names <montagehotelandresorts.com>, <montagehotels.com>, which resolve to "www.montage.com", and <pendryhotels.com>, which resolves to "www.pendry.com".

The disputed domain names <montage-laguna-beach.top> and <pendry-newport-beach.top> were registered on May 27, 2025. The disputed domain name <pendry-newport-beach.cfd> was registered on May 22, 2025. The disputed domain names do not resolve to any active websites.

5. Parties' Contentions

A. Complainants

Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, Complainants contend that each of the disputed domain names is confusingly similar to either the MONTAGE or PENDRY mark. Complainants note that each of the disputed domain names consists of either the MONGAGE or PENDRY mark, plus the geographic term "Laguna Beach" or "Newport Beach."

Complainants assert that Respondent cannot establish a right to, or legitimate interest in, the disputed domain names. Complainants indicate that Respondent has no legal relationship with either Complainant, nor has either Complainant consented to Respondent's registration or use of the disputed domain names. Respondent, Complainants maintain, is not using the disputed domain names to make a bona fide offering of goods or services. "To the contrary, the [d]isputed [d]omain [n]ames ...do not appear to resolve to any active websites, and such passive holding of the [d]isputed [d]omain [n]ames is neither a bona fide offering of goods or services pursuant to Policy paragraph 4(c)(i) nor a legitimate noncommercial fair use pursuant to Policy paragraph 4(c)(iii)." The disputed domain names, Complainants assert, are likely to be used to perpetrate a scam on Complainants' customers.

With respect to the issue of "bad faith" registration and use, Complainants argue that "[g]iven the renown of Complainants' MONTAGE and PENDRY Marks, it is not plausible that Respondent innocently registered the [d]isputed [d]omain [n]ames without a design to exploit its similarity to the MONTAGE and PENDRY Marks". Respondent's passive holding of the disputed domain names is further evidence of Respondent's bad faith, Complainants maintain.

Finally, Complainants contend that the registration of a well-known trademark as a domain name clearly indicates bad faith. "In this case, the addition of geographic descriptive terms 'Laguna Beach' and 'Newport Beach' only increases the likelihood that these domain names were registered in bad faith because these geographic descriptive terms refer to specific hospitality properties that Complainants own and operate. Respondent's addition of 'Laguna Beach' and 'Newport Beach' to Complainants' MONTAGE and PENDRY Marks increases the likelihood that the [d]isputed [d]omain [n]ames will easily impersonate messages that could have come from Complainants' specific hospitality properties."

B. Respondent

Respondent did not reply to Complainants' contentions.

6. Discussion and Findings

The case file indicates that Complainant Pendry Intellectual Property Holding Company, LLC is owned and operated by Complainant Montage Hotels & Resorts, LLC. Thus, this is not a case involving multiple unrelated complainants.

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 Complainants' trademarks and the disputed domain names. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

Complainants have shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the marks in issue are recognizable within the disputed domain names. The addition of the terms "laguna beach" and "newport beach" does not prevent a finding of confusing similarity between the disputed domain names and the marks in issue for the purposes of the Policy. [WIPO Overview 3.1](#), 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 that 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 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds Complainants have established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainants’ prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise. The Panel notes that all disputed domain names combine a Complainants’ trademark with a reference to a geographic location where Complainants’ respective properties are located. As such, the basis on which Respondent has adopted the disputed domain names calls for explanation. None was provided, and Respondent has not sought to rebut Complainants’ prima facie case or advance any claimed entitlement.

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

C. Registered and Used in Bad Faith

Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and/or reputation of Complainants’ trademarks, as well as the composition of the disputed domain names, and finds that, in the circumstances of this case, the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

The Panel agrees with Complainants’ assertion that Respondent most likely registered the disputed domain names with a desire to exploit the likelihood of confusion with either the MONTAGE or PENDRY mark, especially in view of the fact that the disputed domain names include reference to a geographic location where Complainants own properties.

The Panel finds that Complainants have 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 names <montage-laguna-beach.top>, <pendry-newport-beach.cfd> and <pendry-newport-beach.top> be transferred to Complainants.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: June 15, 2026