

ADMINISTRATIVE PANEL DECISION

Montage Hotels & Resorts, LLC v. kathi King, Karthi Enter
Case No. D2026-3544

1. The Parties

The Complainant is Montage Hotels & Resorts, LLC, United States of America ("United States"), represented by Neal, Gerber & Eisenberg LLP, United States.

The Respondent is kathi King, Karthi Enter, United States.

2. The Domain Name and Registrar

The disputed domain name <montages.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 10, 2026. On August 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 12, 2026, 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 (Namecheap, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on the same day.

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 August 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 13, 2026.

The Center appointed Gary Saposnik as the sole panelist in this matter on September 14, 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

The Complainant is a California, United States based limited liability company that offers a variety of services, including the operation of hotels and resorts, residential condominium services, and the provision of spa, bar, and restaurant services. The Complainant asserts that its MONTAGE brand identifies a collection of distinctive luxury hotels, resorts, and residences that convey a shared dedication to comfortable elegance. The architecture of each of the Complainant's properties is authentic and true to its surroundings, and the décor is inspired by each property's respective setting. The MONTAGE-branded services have garnered media attention and acclaim in international publications such as the New York Times, USA Today, the Los Angeles Times, Conde Nast Traveler, and Travel + Leisure. In addition, the MONTAGE branded properties and services have received numerous high-profile and coveted industry awards, including without limitation, one or two MICHELIN Keys to each of its resorts, inclusion in Travel + Leisure's World's Best Awards, Conde Nast Traveler's Top 100 Best in the World, US News and World Report's Top 25 Luxury Hotels in the United States, and the Forbes Five Star Award.

The Complainant has obtained over 100 trademark registrations for the MONTAGE marks in jurisdictions around the world, including the following registrations in the United States:

- MONTAGE, United States Trademark Registration No. 4822219, registered September 29, 2015, in class 36;
- MONTAGE, United States Trademark Registration No. 3325069, registered October 30, 2007, in classes 41 and 43;
- MONTAGE, United States Trademark Registration No. 3942059, registered April 5, 2011, in classes 35, 36, and 37.

The Complainant further promotes its marks and services through websites maintained by the Complainant, including the website maintained at "www.montage.com". The Complainant also owns additional related domain names, such as <montagehotels.com> and <montageresorts.com>, which redirect to the Complainant's website "www.montage.com". The Complainant also uses email addresses ending in @montage.com.

The Respondent registered the disputed domain name on May 13, 2026. The disputed domain name has been used to send fraudulent emails impersonating the Complainant's employees.

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 MONTAGE marks. The disputed domain name is virtually identical to the MONTAGE marks, but substitutes the letter "m" with the two-letter sequence "rn" and the addition of the letter "s". Such change of letters by the Respondent is considered "typosquatting", which has been found by WIPO panels to be

confusingly similar to the underlying trademark. The Respondent adopted the typosquatting variation with the objective of taking advantage of Internet and email users by creating visual confusion with the Complainant's marks. The Respondent's intention is that, upon receipt of an email purportedly from a Complainant's employee, users simply will not notice the differences between the disputed domain name and the Complainant's legitimate domain name. Due to the visual similarities between the two domain names, particularly when appearing in lowercase letters, confusing similarity is undeniable. The addition of the letter "s" to the end of the MONTAGE mark does not eliminate confusing similarity. In addition, the content of the Respondent's email which was used to perpetuate a scam against the Complainant and its customer, demonstrates the Respondent's intent to use a domain name that is confusingly similar to the Complainant's MONTAGE marks and <montage.com> domain name.

The Complainant alleges that the Respondent has no legitimate interest in or right to the disputed domain name. The Respondent has not made nor is Respondent making, a legitimate noncommercial or fair use of the disputed domain name. To the contrary, the Respondent has used an email associated with the disputed domain name, and using an actual Complainant employee's name in the email address to pose as Complainant. The Respondent then emailed the Complainant's customer, posing as an employee of the Complainant, and sought transfer of bank and payment information intended for the Complainant to a fraudulent account likely owned by the Respondent. Such fraudulent and unlawful actions are not a legitimate interest in the disputed domain name.

The disputed domain name does not resolve to any active website, and such passive holding of the disputed domain name is neither a bona fide offering of goods or services, nor a legitimate noncommercial fair use. Because the Respondent is perpetrating fraud with the disputed domain name, and because the Complainant has not authorized the Respondent's use of the MONTAGE marks in the disputed domain name, the Respondent has no rights or legitimate interests in the disputed domain name.

Lastly, the Complainant avers that the Respondent has registered and is using the disputed domain name in bad faith. The Respondent has registered and used the disputed domain name in bad faith and with full knowledge of the Complainant's MONTAGE marks. Given the renown of the Complainant's MONTAGE marks, and the Respondent's intentional impersonation of the Complainant's employee(s), it is not plausible that the Respondent innocently registered or is innocently using the disputed domain name. Rather, the Respondent is exploiting the disputed domain name's similarity to the MONTAGE marks by posing as the Complainant itself in communications with the Complainant's customer(s).

The substitution of the "m" with "rn" in the disputed domain name is a deliberate typographic manipulation that exploits the visual similarity between these characters to deceive users who may mistype or misread the disputed domain name. This conduct is within the definition of typosquatting, which is indicative of bad faith. The fact that the Respondent has used the disputed domain name to impersonate the Complainant and defraud the Complainant and its customers demonstrates that the Respondent is engaged in fraudulent activity.

The Respondent's provision of purportedly false registrant contact information in registering the disputed domain name also evidences its bad faith registration and use. The disputed domain name lists an apparent fake address and phone number. The United States address provided claims to be in the Los Angeles area in California, but the street address is actually located in West Virginia. The zip code provided pertains to a city and communities in Kansas. Additionally, the phone number provided is a North America phone number, yet the area code listed is not an active area code within North America.

B. Respondent

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

6. Discussion and Findings

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of its MONTAGE trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the MONTAGE mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. A domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.1](#), section 1.9. The disputed domain name substitutes the letter "m" with the two-sequence letters "rn", along with adding an "s" at the end of the name. The substitution of the single letter "m" with the two-character sequence "rn" is a classic typosquatting technique, which allows the letters to be visually nearly identical, especially in lower typefaces which are typically used in email addresses. See *Alstom v. Diana iulia, Hedonova LLC*, WIPO Case No. [D2026-0976](#).

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 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 and illegal activity here, claimed as applicable to this case: phishing, passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1. The Complainant has submitted evidence showing that the disputed domain name was used in an email scheme impersonating an employee of the Complainant, while attempting to deceive the receiving customers into directing payments to the Respondent's bank account.

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 registered the disputed domain name a number of years after the Complainant attained trademark rights in its MONTAGE marks. The Respondent intentionally registered a visually similar misspelling of the Complainant's mark in an attempt to create a likelihood of confusion with those customers receiving emails from the disputed domain name. Additionally, the Complainant provided evidence that the Respondent used the disputed domain name in an email scheme impersonating an employee of the Complainant, while attempting to deceive the receiving customers into directing payments to the Respondent's bank account. Such use is an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1. Such circumstances of bad faith include the nature of the domain name being a typo of a widely-known mark, as is the instant case with the disputed domain name being a typo of the Complainant's widely-known MONTAGE mark in the hospitality industry. Additionally, there is a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the disputed domain name. The use of the disputed domain name in the above stated email scheme is a clear action by the Respondent in intentionally targeting the Complainant.

The Respondent's contact information is obviously false, with a fake phone number including an area code that doesn't exist, and an address with the street name and zip code not matching the claimed city and state. These false contact details are further indicia of bad faith by the Respondent.

Lastly, panels have held that the use of a domain name for illegitimate and illegal activity here, claimed as applicable to this case: phishing, passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.1](#), 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 <nontages.com> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: September 28, 2026