

ADMINISTRATIVE PANEL DECISION

Hilton Worldwide Manage Limited v. Peer Draaisma
Case No. DNL2024-0051

1. The Parties

The Complainant is Hilton Worldwide Manage Limited, United Kingdom, represented by Boekx Advocaten, Netherlands (Kingdom of the) (the “Netherlands”).

The registrant of the disputed domain name is Peer Draaisma, Netherlands (the “Respondent”).

2. The Domain Name and Registrar

The disputed domain name <hiltonrotterdam.nl> (“Disputed Domain Name”) is registered with SIDN through ZXCS.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 19, 2024. On December 19, 2024, the Center transmitted by email to SIDN a request for registrar verification in connection with the Disputed Domain Name.

On December 20, 2024, SIDN transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details of the Respondent.

The Center verified that the Complaint satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint and the proceedings commenced on January 2, 2025. In accordance with the Regulations, article 7.1, the due date for Response was January 22, 2025. The Center did not receive any response. Accordingly, the Center notified the Respondent’s default on January 24, 2025.

Due to an error with transmission of the Notification of Complaint, the Center renotified the Respondent on January 28, 2025. However, because the error persisted and the Center had notified the Respondent in accordance with article 16.4 of the Regulations, the Center informed the Parties that it would proceed with Panel Appointment on January 30, 2025.

The Center appointed Rogier de Vrey as the panelist in this matter on January 31, 2025. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The Complainant has put forward that it manages and licenses, together with its affiliates and strategic partners, more than 8,300 hotels and resorts in more than 138 countries and territories. The Complainant offers hotel and resort services under a portfolio of 21 brands, including the HILTON brand.

The Complainant is the proprietor of trademark registrations in a number of jurisdictions, including the following:

- Benelux trademark HILTON with registration number 446682, application date August 12, 1988, and registered for services in Class 42;
- Benelux trademark HILTON with registration number 590714, application date January 22, 1996, and registered for services in Classes 35, 36, and 41;
- European Union Trade Mark HILTON with registration number 000121343, application date April 1, 1996, and registered for goods and services in Classes 16, 41, and 42;
- European Union Trade Mark HILTON (word) with registration number 001819028, application date August 22, 2000, registered for various services in Classes 35, 36, and 42; and
- European Union Trade Mark HILTON (word) with registration number 004320305, application date March 3, 2005, registered for services in Class 39.

Hereinafter, these trademarks will be collectively referred to as the “Mark”.

Additionally, the Complainant and its affiliates use the trade name Hilton Rotterdam (“Trade Name”) for a hotel located in Rotterdam. The Complainant and its affiliates have used the domain name <hilton.com> since 1994.

According to the information provided by SIDN, the Disputed Domain Name was first registered on March 2, 2021, and acquired by the Respondent on June 29, 2021. At the time of filing the Complaint, the Disputed Domain Name resolved to a website containing blog posts that include links to various third-party websites.

5. Parties’ Contentions

A. Complainant

The Complainant asserts that the Disputed Domain Name is confusingly similar to the Complainant’s Mark – HILTON – as it fully incorporates the Complainant’s well-known Mark, followed only by a geographical term “rotterdam” where a well-known Hilton hotel is located. The Complainant further states that – in accordance with established case law – the country code Top-Level Domain “.nl” may be disregarded when carrying out the confusing similarity test and that the mere addition of the geographical term “rotterdam” does not prevent the finding of confusing similarity under 2.1 (a) of the Regulations.

Furthermore, the Complainant states that the Disputed Domain Name is identical to the Trade Name.

The Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant asserts that the Respondent:

- is not known and has never been commonly known as “hilton” or “hilton rotterdam”;

- has not received the Complainant's consent to use the Complainant's Mark or Trade Name as part of the Disputed Domain Name, nor has it otherwise been authorized to use the Complainant's Mark or Trade Name; and
- is not making legitimate noncommercial use of the Disputed Domain Name.

The Complainant further contends that the Respondent's use of the Disputed Domain Name is not in connection with any bona fide offering goods or services.

In addition, the Complainant asserts that the Disputed Domain Name was registered and used in bad faith by the Respondent. At the time of registration of the Disputed Domain Name, the Respondent should have been aware of the Complainant's well-known Mark and Trade Name. The Mark and Trade Name were registered and used decades prior to the registration of the Disputed Domain Name. The Complainant refers to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 3.1.4.

Furthermore, the Complainant states that the Disputed Domain Name is also being used in bad faith. The Disputed Domain Name resolves to a website where the Respondent uses the Mark and the Trade Name in their entirety. Considering the content of the Respondent's website, which inter alia contains advertorials that are closely related to the Complainant's hotel services, the Respondent's use of the Disputed Domain Name creates a likelihood of confusion with the Complainant's Mark and Trade Name as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and as to the products and services referred to on the Respondent's website. The Respondent intentionally attempts to attract, for commercial gain, Internet users to its website.

B. Respondent

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

6. Discussion and Findings

Based on article 2.1 of the Regulations, a claim to transfer a domain name must meet three cumulative conditions:

- a. the domain name is identical or confusingly similar to:
 - I. a trademark, tradename or geographical indication protected under Dutch law in which the complainant has rights; or
 - II. a personal name registered in the General Municipal Register ("gemeentelijke basisadministratie") of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the complainant undertakes public activities on a permanent basis; and
- b. the registrant has no rights to or legitimate interests in the domain name; and
- c. the domain name has been registered or is being used in bad faith.

As the Respondent has not filed a Response, the Panel shall rule based on the Complaint. In accordance with article 10.3 of the Regulations, the Complaint shall in that event be granted, unless the Panel considers it to be without basis in law or in fact.

A. Identical or Confusingly Similar

The Panel finds that the Complainant has established the requirement of article 2.1(a) of the Regulations.

The Complainant has shown registered rights in the Mark. Moreover, the Complainant has shown rights in the Trade Name as it has submitted un rebutted evidence of the use of such Trade Name. The Complainant enjoys protection under both European and Dutch (Benelux) law.

With regard to the assessment of identity or confusing similarity, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Complainant's Mark and the Disputed Domain Name (see section 1.7 of the [WIPO Overview 3.0](#)).¹ It is also well established precedent that the Top-Level Domain ".nl" may be disregarded in assessing identity or confusing similarity between the trademark on the one hand and the Disputed Domain Name on the other hand (see, *Roompot Recreatie Beheer B.V. v. Edoco LTD*, WIPO Case No. [DNL2008-0008](#)).

The Panel concludes that the Disputed Domain Name is confusingly similar to the Complainant's Mark, as it fully incorporates the Mark, with only the addition of the geographical term "rotterdam". According to section 1.8 of the [WIPO Overview 3.0](#), adding a geographical term does not prevent a finding of confusing similarity under the first element. The Panel also concludes that the entirety of the Trade Name is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical to Complainant's Trade Name.

Consequently, the Panel finds that the first element of article 2.1 of the Regulations has been satisfied.

B. Rights or Legitimate Interests

The Panel finds that the Complainant has established the requirement of article 2.1(b) of the Regulations.

To establish this second requirement, the Complainant must make a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name. Since, generally speaking, proving that a respondent lacks rights or legitimate interests in a domain name may lead to the difficult if not impossible task of proving negative circumstances, it is sufficient for the Complainant to present prima facie evidence to shift the burden of proof to the Respondent (see, section 2.1.1 of the [WIPO Overview 3.0](#), and *Auto 5 v. E. Shiripour*, WIPO Case No. [DNL2008-0027](#)).

The Respondent has not formally replied to the Complainant's contentions and thus has not rebutted the Complainant's contentions.

Based on the evidence submitted by the Complainant, the Panel concludes that Respondent has not received the Complainant's consent to use the Mark or the Trade Name as part of the Disputed Domain Name, nor has it otherwise been authorized to use the Mark or the Trade Name.

The evidence submitted by the Complainant shows that the Respondent is not making any bona fide use of the Disputed Domain Name in connection with an offering of goods or services, nor is there any indication in the record of this case that the Respondent is commonly known by the Disputed Domain Name. The Respondent is not making legitimate noncommercial or fair use of the Disputed Domain Name. The Respondent has used the Disputed Domain Name for a webpage on which the Complainant's Mark and Trade Name are displayed in full and which features blogposts with links directing Internet users to third-party websites. Thus, the Panel finds that the Complainant has established a prima facie case that the

¹ In view of the fact that the Regulations are substantially similar to the Uniform Domain Name Dispute Resolution Policy ("UDRP"), it is well established that both cases decided under the Regulations and cases decided under the UDRP, and therefore [WIPO Overview 3.0](#), may be relevant to the determination of this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

Respondent does not have any rights to or legitimate interests in the Disputed Domain Name, while the Respondent has failed to come forward with any evidence to the contrary.

The Panel further notes the composition of the Disputed Domain Name – which combines the Complainant's Mark with a geographical term directly associated with one of the Complainant's hotel locations, as well as the Complainant's Trade Name – carries a risk of implied affiliation with the Complainant that cannot constitute fair use under the circumstances of this proceeding (see [WIPO Overview 3.0](#), section 2.5.1).

The Panel concludes that there is no evidence and there are no indications that the Respondent has rights to or legitimate interests in the Disputed Domain Name and that the Complainant has thus established the second element of article 2.1 of the Regulations.

C. Registered or Used in Bad Faith

In light of the Complainant's contentions supported by the evidence submitted by the Complainant, the Panel finds that the Complainant has established the requirement of article 2.1(c) of the Regulations.

When the Respondent registered the Disputed Domain Name, the Mark had already been registered and was being used by the Complainant for its products and services. Given the well-known character of the Mark and composition of the Disputed Domain Name, the Panel finds that, at the time of registration of the Disputed Domain Name, the Respondent knew that it would be confusingly similar to the Mark. The apparent lack of any good faith attempt to ascertain whether the Respondent was registering and using a third-party trademark – such as by conducting online searches – further supports a finding of bad faith.

The Panel further finds that, considering the Complainant's evidenced contentions, the Disputed Domain Name is being used by Respondent to attract Internet users to the website linked to the Disputed Domain Name through the likelihood of confusion with the Complainant's Mark and Trade Name as to the origin, affiliation, or endorsement of the website and/or the products and services on the website linked to the Disputed Domain Name.

The Panel finally notes that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see [WIPO Overview 3.0](#), section 3.1.4).

Therefore, the Panel finds that the Complainant has provided sufficient evidence of bad faith registration and bad faith use by the Respondent, as set out in article 3.2(d) of the Regulations.

7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the domain name <hiltonrotterdam.nl> be transferred to the Complainant.

/Rogier de Vrey/

Rogier de Vrey

Panelist

Date: February 14, 2025