

## **ADMINISTRATIVE PANEL DECISION**

### **Hyatt Corporation and Hyatt International Corporation v. Adam Draxler Case No. D2022-4933**

#### **1. The Parties**

The Complainant is Hyatt Corporation and Hyatt International Corporation, United States of America, represented by DLA Piper US LLP, United States of America.

The Respondent is Adam Draxler, United Arab Emirates.

#### **2. The Domain Name and Registrar**

The disputed domain name <hyattmiddleeast.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 22, 2022. On December 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 23, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name behind the privacy service Registration Private, Domains By Proxy, LLC and contact information in the Complaint. The Center sent an email communication to the Complainant on December 29, 2022 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 December 29, 2022.

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 January 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 30, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 3, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on February 13, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant has for more than sixty years, through its licensees, franchisees, affiliates and authorized hotel owners, used the trademark and name HYATT, and variations thereof, in connection with hotel and resort services in the United States and around the world.

The Complainant owns trademark registrations for the HYATT trademarks throughout the world, including countries in the Middle East region. The Complainant has an extensive world-wide presence, and its portfolio of authorized, licensed or franchised hotels currently includes more than 1,200 hotel properties in 72 countries around the world. Due to extensive advertising, the HYATT trademarks are recognized throughout the world. HYATT-branded hotels are award winning and recognized in the United States and the world.

The Domain Name was registered on April 25, 2022. At the time of filing the Complaint, the Domain Name resolved to a parked page with links to third-party websites about jobs. At the time of the Decision, the Domain Name resolved to a parked page with links to third-party websites on hotels and car insurance.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registrations and argues that the Domain Name is confusingly similar to the Complainant's trademark because it fully incorporates the HYATT mark as well as the geographically descriptive term "Middle East". The addition of the geographic indicator exacerbates the likelihood of confusion because it suggests an association or affiliation with Hyatt's hotels and properties in the said region.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent cannot establish rights in the Domain Name, as it has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. On the contrary, the Respondent has used the Domain Name to pretend to be hiring for Hyatt's branded hotels.

The Complainant argues that the Respondent must have been aware of the Complainant when the Respondent registered the Domain Name. Moreover, it is impossible that the Respondent registered the Domain Name in good faith given the employment scam perpetrated by the Respondent through the Domain Name. The Respondent's registration and use of the Domain Name is a willful and intentional bad-faith attempt to confuse consumers as to the association and affiliation of the Domain Name with the Complainant.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

The Complainant has established that it has rights in the trademark HYATT. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The addition of "Middle East" does not prevent a finding of confusing similarity between the Domain Name and the Complainant's trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domains ("gTLDs"), see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register the Domain Name containing the Complainant's trademark or otherwise make use of the Complainant's trademark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. The Respondent's use of the Domain Name is not *bona fide*, but rather evidence of bad faith.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

The Panel finds it evident from the nature of the Domain Name and the use of the Domain Name, that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name.

The Respondent's use of the Domain Name to attempt an employment scam is clear evidence of bad faith use.

Furthermore, the use of the Domain Name resolving to a parked page with links to third-party websites about jobs is also evidence of bad faith use as per paragraph 4(b)(iv) of the Policy.

The Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 Domain Name <hyattmiddleeast.com> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: February 17, 2023