

## **ADMINISTRATIVE PANEL DECISION**

MHG IP Holding (Singapore) Pte. Ltd. v. aquib raza  
Case No. D2023-0581

### **1. The Parties**

Complainant is MHG IP Holding (Singapore) Pte. Ltd., Singapore, represented by Luthra and Luthra Law Offices, India.

Respondent is aquib raza, India.

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

The disputed domain name <anantarahospitalityopcpvtltd.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 February 8, 2023. On February 8, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 9, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on February 10, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on February 13, 2023.

The Center verified that the Complaint together with the amendment to 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 February 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 7, 2023.

The Center appointed Marina Perraki as the sole panelist in this matter on March 16, 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 by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

Complainant and its group owns and operates resorts and spas around the world, being amongst the largest hospitality and leisure companies in the Asia Pacific region. Complainant, through its group companies, operates and manages hotels, resorts and spas, under, *inter alia*, the ANANTARA trademark, since 2000 and in particular over 50 luxury hotels, resorts and premium serviced apartments and over 30 spas, with revenues of USD 316.2 million for 2021. Per Complaint, Anantara resorts are well known around the world and featured in travel magazines and publications such as Conde Nast Traveler, the Harper's Bazaar, Forbes, DestinAsian, the Lonely Planet, Vogue US, Elite Traveler UK, Travel+Leisure, Tatler UK, The New York Times, Lonely Planet (Thailand), Time Magazine, CNN Traveler, Business Traveler. Complainant and its group operates its main Anantara website at "www.anantara.com".

Complainant owns trademark registrations for ANANTARA, including

- the Indian trademark registration no. 5175781 ANANTARA (word), filed on October 16, 2021, and registered on October 16, 2021, for goods in international class 3,
- the International trademark registration no. 1429924 ANANTARA (figurative), registered on June 29, 2018, for goods and services in international classes 3, 36, 43, and 44.

The Domain Name was registered on August 13, 2022, and at the time of filing of the Complaint lead to a website offering travel services (the Website).

#### 5. Parties' Contentions

##### A. Complainant

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for the transfer of the Domain Name.

##### B. Respondent

Respondent did not reply to Complainant's contentions.

#### 6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered or is being used in bad faith.

##### A. Identical or Confusingly Similar

Complainant has demonstrated rights through registration and use on the ANANTARA mark.

The Panel finds that the Domain Name that incorporates Complainant's ANANTARA mark in its entirety plus the additional term "hospitality" and the letters "opcvtltd" is confusingly similar to the ANANTARA trademark

of Complainant. The addition of the term “hospitality” and the letters “opcpvtltd” does not prevent a finding of confusing similarity.

The generic Top-Level Domain (“gTLD”) “.com” is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

Complainant has established Policy, paragraph 4(a)(i).

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

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to Respondent of the dispute, Respondent’s use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) Respondent (as an individual, business, or other organization) has been commonly known by the Domain Name, even if it has acquired no trademark or service mark rights; or
- (iii) Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not submitted any formal response and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per the Complaint, Respondent was not authorized to register the Domain Name.

Prior to the notice of the dispute, Respondent did not demonstrate any use of the Domain Name or a trademark corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainant demonstrated, the Domain Name resolved to the Website, which purportedly offered travel services, closely related to Complainant’s hospitality business.

A respondent’s use of a complainant’s mark to redirect users to a competing site would not support a claim to rights or legitimate interests (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 2.5.3).

In addition, the Panel notes that the composition of the Domain Name, wholly incorporating Complainant’s ANANTARA mark with terms (“hospitality” and “opcpvtltd” (which often stands for One Person Company Private Limited) relating to Complainant’s business, carries a risk of implied affiliation ([WIPO Overview 3.0](#), section 2.5.1).

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy, paragraph 4(a)(ii).

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

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding Domain Name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other on line location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith. Because the ANANTARA mark had been widely used and registered at the time of the Domain Name registration by Respondent, the Panel finds that Respondent had Complainant's marks in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

Furthermore, Respondent could have conducted a trademark search and would have found Complainant's prior registrations in respect of the ANANTARA mark (*Citrix Online LLC v. Ramalinga Reddy Sanikommu Venkata*, WIPO Case No. [D2012-1338](#)).

As regards bad faith use of the Domain Name, Complainant has demonstrated that the Domain Name was used to create the Website, which purportedly provided services closely related to those of Complainant, namely travel services. The Domain Name operated therefore by intentionally creating a likelihood of confusion with Complainant's trademark and business as to the source, sponsorship, affiliation or endorsement of the website it resolves to. This can be used in support of bad faith registration and use ([WIPO Overview 3.0](#), section 3.1.4).

Under these circumstances and on this record, the Panel finds that Respondent has registered and is using the Domain Name in bad faith.

Complainant has established Policy paragraph 4(a)(iii).

## 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, <anantarahospitalityopcvttd.com>, be transferred to Complainant.

/Marina Perraki/

**Marina Perraki**

Sole Panelist

Date: March 30, 2023