

ADMINISTRATIVE PANEL DECISION

VUR Village Trading No 1 Limited v. Milen Radumilo
Case No. D2023-2084

1. The Parties

Complainant is VUR Village Trading No 1 Limited, United Kingdom, represented by Taylor Wessing LLP, United Kingdom.

Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <village-hotels.club> is registered with Communigal Communications Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 10, 2023. On May 11, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 14, 2023, 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 (Entity name not publicly available/Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on May 15, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 17, 2023.

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 Respondent of the Complaint, and the proceedings commenced on May 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 8, 2023. Respondent did not submit any response. Accordingly, the Center notified the Parties of Respondent's default on June 13, 2023.

The Center appointed Ingrida Karina-Berzina as the sole panelist in this matter on June 19, 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 operates a chain of 33 hotels in the United Kingdom under the VILLAGE HOTELS mark, for which it has registered numerous trademarks, including United Kingdom Trade Mark UK00003133461 for VILLAGE HOTELS (word mark), registered on March 18, 2016 for services in classes 41 43 and 44, and European Union Trade Mark 014764781 for VILLAGE HOTELS (word mark), registered on March 9, 2016 for services in classes 41, 43 and 44.

Complainant operates its primary business website at the domain name <village-hotels.co.uk>.

The disputed domain name was registered on March 3, 2023. It resolves to a website featuring pay-per-click (“PPC”) links related to hotels and accommodation.

5. Parties’ Contentions

A. Complainant

Complainant’s contentions may be summarized as follows:

Under the first element, Complainant states that it has operated for over 30 years and has invested significant sums in marketing its registered VILLAGE HOTELS mark, which has acquired considerable goodwill. Complainant has also publicized its properties under the brand “Village Hotels Club.” The disputed domain name is identical to Complainant’s mark.

Under the second element, Complainant states that Respondent is not authorized to use its VILLAGE HOTELS mark. Respondent does not use the disputed domain name in connection with a *bona fide* offering of goods or services, as the disputed domain name redirects to a landing page with PPC links. The anonymous registration suggests that Respondent is not commonly known by the disputed domain name. There is no evidence that Respondent is making any legitimate noncommercial or fair use of the disputed domain name.

Under the third element, Complainant states that Respondent acquired the disputed domain name to block Complainant’s use of it. The disputed domain name is identical to the VILLAGE HOTELS mark, with no possibility that Respondent could have had any *bona fide* reason to register the disputed domain name. The use of the word “hotel” for links on the landing page disrupts Complainant’s business as these likely lead to competitor sites, which would confuse Complainant’s customers and divert Internet users seeking information about Complainant. Respondent has actively sought to conceal its identity.

Complainant requests transfer of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires Complainant to make out all three of the following:

- (i) the disputed 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 disputed domain name; and
- (iii) Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

Complainant has provided evidence establishing that it has trademark rights in the VILLAGE HOTELS mark through registration in the United Kingdom and other jurisdictions. Complainant thereby satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.2.1.

In comparing Complainant’s mark with the disputed domain name, the Panel finds that the disputed domain name is confusingly similar to its mark, as it incorporates the mark in its entirety only adding a hyphen to it.

It is the well-established view of UDRP panels that a generic Top Level Domain such as “.club” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. See [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds that Complainant has established the first element under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, a respondent may establish rights to or legitimate interests in a domain name by demonstrating any of the following:

- (i) before any notice to it 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 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 finds that the evidence submitted by Complainant establishes a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name. Respondent is not authorized by Complainant and has no rights in the VILLAGE HOTELS mark.

Pursuant to [WIPO Overview 3.0](#), section 2.1, and cases thereunder, where Complainant makes out a *prima facie* case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

Respondent has not provided any rebuttal of Complainant’s *prima facie* case and has therefore not proved rights or legitimate interests in the disputed domain name. There is no evidence that Respondent is

commonly known by the disputed domain name, or that there are any circumstances or activities that would establish Respondent's rights therein. There is no evidence of legitimate noncommercial use or a *bona fide* offering of goods or services.

The Panel finds that the use of a disputed domain name (which is identical to Complainant's mark) to resolve to a PPC website such as the one used by Respondent does not represent a *bona fide* offering as the links compete with or capitalize on the reputation and goodwill of Complainant's mark. See [WIPO Overview 3.0](#), section 2.9. See also *Shangri-La International Hotel Management Limited v. NetIncome Ventures Inc.*, WIPO Case No. [D2006-1315](#); *Villeroy & Boch AG v. Mario Pingerna*, WIPO Case No. [D2007-1912](#).

Accordingly, the Panel finds that Complainant has established the second element under paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Complainant has demonstrated Respondent's bad faith registration and use of the disputed domain name. Complainant's rights in its established VILLAGE HOTELS mark predates the registration of the disputed domain name by several years. The disputed domain name is identical to Complainant's trademark and resolves to a PPC site featuring links related to hotels and accommodation. Complainant has provided evidence that some of its properties are known under the brand "Village Hotel Club." The Panel finds that this record establishes that Respondent had Complainant's mark in mind when registering the disputed domain name. See [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the evidence in the record establishes that Respondent used the disputed domain name to resolve to a website featuring PPC links related to Complainant's business. Absent any evidence of mitigating factors such as efforts by Respondent to avoid links that target Complainant's mark, such use is clearly evidence of bad-faith use of the disputed domain name. See [WIPO Overview 3.0](#), section, 3.5.

Respondent has provided no evidence of actual or contemplated good-faith use of the disputed domain name and, under the circumstances, the Panel does not find any such use plausible.

Accordingly, the Panel finds that Complainant has established the third element under paragraph 4(a) 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 <village-hotels.club> be transferred to Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: July 3, 2023