

ADMINISTRATIVE PANEL DECISION

Hyatt Corporation, Hyatt International Corporation v. RAO XIUJUAN, HK-YINXIN

Case No. D2022-4761

1. The Parties

The Complainants are Hyatt Corporation, United States of America (“United States”), and Hyatt International Corporation, United States, represented by DLA Piper LLP (US), United States.

The Respondent is RAO XIUJUAN, HK-YINXIN, China.

2. The Domain Name and Registrar

The disputed domain name <hyatt.work> is registered with eNom, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 12, 2022. On December 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 13, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainants on December 14, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on December 14, 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 sent notification of the Respondent of the Complaint, and the proceedings commenced on December 15, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 4, 2023. The Respondent sent informal emails that were received by the Center on December 15 and 19, 2022.

The Center appointed Petra Pecar as the sole panelist in this matter on January 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 by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Hyatt Corporation and Hyatt International Corporation, collectively referred to as “Hyatt” or “Complainants,” are an international hotel management corporation, headquartered in the city of Chicago, Illinois, United States. The Complainants provide hotel and resort services under the name and trademark HYATT in various locations throughout the United States and worldwide.

The Complainants have obtained numerous trademark registrations for the HYATT trademarks throughout the world, with the United States trademarks owned by Hyatt Corporation and the remaining registrations owned by Hyatt International Corporation which comprise or include term HYATT including:

- United Kingdom trademark HYATT, Trademark No. UK00001275657, registered on October 2, 1989; and
- Chinese trademark HYATT, Reg. No. 27795093, registered on November 7, 2018.

The Complainants have built an extensive worldwide presence, with over 1,200 hotels in 72 countries and have established a reputation for providing high-quality service and guest experience.

The Complainants own and operate several domain names that incorporate the HYATT trademark, such as <hyatt.com>. The website “www.hyatt.com” provides detailed information about the company’s properties and allows customers to research and make reservations at various locations.

The disputed domain name was registered on October 16, 2022 and resolves to a website with a login screen for Hyatt’s WORLD OF HYATT branded loyalty program.

5. Parties’ Contentions

A. Complainant

The Complainants are multinational hotel management companies. Through their network of affiliates, licensees, franchisees, and authorized hotel owners, provide services for properties, hotels, and resorts bearing the HYATT brand name. The Complainants have been using the trademark HYATT for over 60 years in connection with hotel and resort services worldwide.

The Complainants state that the disputed domain name is similar to their trademark, HYATT, as it fully incorporates the trademark. The Complainants also mention that the domain name was registered after their first use and registration of the trademark. The Complainants cite previous cases where the HYATT trademark has been recognized as well-known and that the addition of the “.work” generic Top-Level Domain (“gTLD”) to the domain name only adds to the confusion for Internet users. The Complainants asserts that the domain name is confusingly similar to the HYATT trademark.

The Complainants allege that the Respondent has no legitimate interest in the disputed domain name as it is similar to the Complainant’s trademark HYATT and the Respondent registered it after the Complainant’s use and registration of the trademark. The Complainants state that the Respondent is not commonly known by the domain name and has not been authorized by the Complainants to use the trademark or register the domain name. The Respondent’s website, which resolved to a login screen for the Complainants’ loyalty program, is now inactive. The Complainants asserts that the Respondent has no rights or legitimate interest in the domain name as it was deliberately chosen to impersonate a website affiliated with the Complainants.

The Complainants asserts that the Respondent registered and is using the disputed domain name in bad faith, as it is similar to the Complainant's trademark, HYATT, and the Respondents registered it after the Complainant's use and registration of the trademark. The Complainants state that the Respondents website, which resolved to a login screen for the Complainants loyalty program, is now inactive, and the Respondents actions were a bad faith attempt to impersonate the Complainants and steal users' information from the Complainants loyalty program.

The Complainants request the transfer the disputed domain name to the Complainants.

B. Respondent

On December 15, 2022, the Respondent sent an informal email message stating: "hello, This name is on Registrar Freeze." On December 19, 2022, the Respondent sent a second informal communication to the Center stating "hello,the name had been suspended.please check that again, thank you."

No further communication or formal reply was further submitted by the Respondent.

6. Discussion and Findings

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

"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", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. A trademark registration provides a clear indication that the rights in the trademark belong to the Complainant (see section 1.2.1 of the [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition](#), ("[WIPO Overview 3.0](#)").

The Complainants hold valid trademark registrations for HYATT of which the Complainants provided evidence of several trademarks registrations worldwide. The disputed domain name consists of the Complainants trademark HYATT in its entirety. Furthermore, the disputed domain name also contains the gTLD ".work". The applicable gTLD in a domain name, such as ".work" in this case, is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test (see section 1.11 of the [WIPO Overview 3.0](#)). The Panel finds no relevance in the applicable gTLD in this case and the same is therefore disregarded from comparison.

In view of the above, the Panel finds that the Complainants have proven that the disputed domain name is identical to the trademark in which the Complainants have established rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under this second element of the Policy, a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is generally deemed to have satisfied the second element, as set out in paragraph 4(a)(ii) of the Policy (see also [WIPO Overview 3.0](#), section 2.1).

Moreover, the Policy provides guidance to respondents on how to demonstrate rights or legitimate interests in the domain name. In particular, paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name, including: (i) use of the domain name “in connection with a *bona fide* offering of goods or services”; or (ii) demonstration that the respondent has been “commonly known by the domain name”; or (iii) “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 notes that there is no relation between the Complainants and the Respondent, disclosed to the Panel or otherwise apparent from the record. The Respondent has not been granted a license by the Complainants and has not in any other way been given permission to use the Complainants HYATT trademark or any other confusingly similar sign. Furthermore, there is no indication presented before the Panel that the Respondent is commonly known by the disputed domain name. The Respondent did not present any proof or justification that would have suggested any rights or legitimate interests in relation to the disputed domain name. Rather, the disputed domain name has been used to host a website impersonating the Complainants and phishing for sensitive login details from unsuspecting Internet users. Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent (see [WIPO Overview 3.0](#), section 2.13).

Moreover, the nature of the disputed domain name, being identical to the Complainants' trademark, carries a high risk of implied affiliation (see [WIPO Overview 3.0](#), section 2.5.1).

In accordance with the above, the Panel finds that the Complainants have made a *prima facie* demonstration of the Respondent's lack of rights or legitimate interests in respect of the disputed domain name, which has not been rebutted by the Respondent, and that accordingly the requirements of paragraph 4(a)(ii) of the Policy have been met by Complainants.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a)(iii) of the Policy requires the Complainant to demonstrate that the Respondent registered and is using the disputed domain name in bad faith. The Policy describes several non-exhaustive circumstances demonstrating a respondent's bad faith registration and use. Under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when, by using the domain name, a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location by creating a likelihood of confusion with the complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

The Complainants' rights to the HYATT trademark existed at least 33 years prior to the registration of the disputed domain name. The Panel determines that the Respondent was aware of the Complainants' trademark at the time of registering the disputed domain name, as the HYATT trademark is widely recognized and unique to the Complainants as was recognized by previous UDRP panels, see, e.g., *Hyatt*

International Corporation and Hyatt Corporation v. Mr. Martin Mir (MIRMARTI64698), WIPO Case No. [D2012-1803](#). Furthermore, the disputed domain name is being used by the Respondent on a website that previously featured a login screen for the Complainants' loyalty program, which is now inactive. The Respondent's actions were a deliberate attempt to impersonate the Complainants and steal information from the Complainants' loyalty program, which is clear evidence of bad faith.

The Respondent has not responded to the Complainants' allegations of bad faith.

Furthermore, it has been established that the Respondent has a conduct of registering similar domain names to famous trademarks as in cases *Six Continents Hotels, Inc., Six Continents Limited v. RAO XIUJUAN, HK YINXIN*, WIPO Case No. [D2022-4315](#), *Hostelworld.com Limited v. RAO XIUJUAN, HK-YINXIN*, WIPO Case No. [D2022-4327](#). This conduct is an indication of bad faith and further supports the Complainants' claim.

Given these circumstances and the fact that the Respondent failed to submit a response or to provide any evidence of actual possible good-faith use, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith. Accordingly, the Complainants have satisfied the requirements 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 disputed domain name <hyatt.work> be transferred to the Complainants.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: January 27, 2023