Decision for dispute CAC-UDRP-107066

Case number	CAC-UDRP-107066
Time of filing	2024-11-20 09:54:33
Domain names	aman-news.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Aman Group S.á.r.l.

Complainant representative

Organization	HSS IPM GmbH

Respondent

Name	Francis Jago

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has proved to own the following trademark rights, inter alia:

- US trademark “AMAN” No. 5870593 dated October 1, 2019 and covering services in class 35;
- Union European Trademark” AMAN” No. 005892757 dated May 10, 2007, duly renewed and covering goods and services in classes 3; 36; 43; 44;
- Australian trademark “AMAN” No. 834808 dated May 11, 2000, duly renewed and covering services in classes 35; 36; 39; 42;
- International trademark “AMAN + LOGO” No. 1443849 dated August 31, 2018 and covering services in class 35 protected in the following countries: Australia, Bhutan, Switzerland, European Union, UK, Croatia, India, Japan, Cambodia, Korea (Republic of), Lao People's Democratic Republic, Morocco, Montenegro, Mexico, New Zealand, Philippines, Russian Federation, Thailand, Türkiye, USA, Viet Nam.
- International trademark “AMAN” No. 953150 dated August 24, 2007 duly renewed, and covering goods and services in classes 3; 9; 16; 36; 39; 41; 43; 44 protected in the following countries: Australia, Switzerland, China, European Union, UK, Iceland, Japan, Korea (Republic of), Morocco, Montenegro, Russian Federation, USA, Armenia, Belarus, Croatia, Kyrgyzstan, Kazakhstan, Mozambique.

The Complainant also owns the domain name <aman.com> registered on July 22, 1997.

FACTUAL BACKGROUND

FACTUAL BACKGROUND

The Complainant, Aman Group Sarl, is a multinational luxury hotel group. Founded in 1988, it offers a range of hospitality services, including accommodation in luxury resorts, wellness services, dining, and skincare. The group manages 34 properties, consisting of resorts, hotels, and private residences, spread across 20 countries. Among these properties, 15 are located near or within UNESCO-protected sites.

The Complainant website is www.aman.com.

The Respondent registered the disputed domain name <aman-news.com> on February 27, 2024. It resolves to a website reproducing the official website of the Complainant and 4 mails exchanger ("MX") records for the disputed domain name have been configured

The Complainant submitted the following documents to prove the abovementioned facts:

- Annex 1: About the Complainant
- Annex 2: Complainant's trademarks
- Annex 3: whois of the disputed domain name
- Annex 4: Article about Aman Luxury Hotel
- Annex 5: whois of the complainant domain name
- Annex 6: disputed domain name website
- Annex 7: disputed domain name's website, information request
- Annex 8: aman-news google research – aman google research
- Annex 9: comparison between the complainant's website and the disputed domain name's website

Annex 10: MX records of the disputed domain name

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Identity (paragraph 4(a)(i) of the Policy)

The Panel finds that the disputed domain name <aman-news.com> is confusingly similar to the Complainant's AMAN trademarks.

Firstly, the Complainant's AMAN trademark is incorporated in the disputed domain name in its entirety.

Secondly, the Panel considers that adding the generic term "news" and the gTLD ".com" does not reduce the likelihood of confusion with the Complainant's AMAN trademarks. On the contrary, as some of these trademarks are registered inter alia for advertising services, which may naturally relate to the term "news," this addition increases the risk of confusion.

Thus, the Panel finds that the disputed domain name is confusing and does not provide additional specification or sufficient distinction from the Complainant or its mark.

Absence of Rights or Legitimate Interests (paragraph 4(a)(ii) of the Policy)

The Panel finds that the Respondent has not been authorized or granted a license by the Complainant.

Additionally, the Respondent is not commonly known by the disputed domain name. Therefore, the Panel concludes that the Respondent did not intend to use the disputed domain name in connection with any legitimate purpose, nor has the Respondent demonstrated a bona fide offer of services.

The Complainant alleges that the Respondent is involved in a phishing scheme designed to deceive consumers into disclosing personal and financial information. In support of these allegations, the Complainant has provided only an MX record associated with the disputed domain name and an online form that solicits personal information; no fraudulent emails have been submitted as evidence. However, as the Respondent has not refuted these claims and since the disputed domain name was previously resolved to a website identical to the Complainant's (prior to its takedown), the Panel accepts this as sufficient proof. The Panel finds that the Respondent has used the disputed domain name for illegitimate purposes. Previous UDRP panels considered an MX record as adequate evidence. (see Equifax Inc. v. Contact Privacy Inc. Customer 7151571251 / David Mayor, WIPO, Case No. D2022-2627)

Furthermore, the Respondent had the opportunity to provide arguments supporting its rights or legitimate interests in the disputed domain name. However, by failing to file a response, the Respondent has missed this opportunity, and the Panel is entitled to draw such inferences from the Respondent’s failure as it considers appropriate in accordance with Paragraph 14 of the Rules.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests with respect to the disputed domain name.

Bad faith (paragraph 4(a)(iii) of the Policy)

The Panel finds that the Respondent could not have been unaware of the renowned AMAN trademarks, given their active presence in different markets. Previous UDRP panels have also confirmed the well-known status of the mark (see Aman Group SARL v. Domains by Proxy LLC / Ezhar Rusli, Aman Concierge, WIPO Case No. D2019-0886).

Furthermore, the Respondent operates a website under the disputed domain name that is identical to the Complainant's website, which proves a clear intent to capitalize on the Complainant's established reputation and goodwill. Such behavior indicates that the Respondent's deliberate strategy to emulate and profit from the Complainant's business model.

In the Panel’s opinion, this shows that the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **aman-news.com**: Transferred

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2025-02-03

Publish the Decision