Decision for dispute CAC-UDRP-107409

Case number	CAC-UDRP-107409
Time of filing	2025-03-24 12:06:36
Domain names	belmondagency.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Belmond Management Ltd.

Complainant representative

Organization	INSIDERS

Respondent

Organization	GoDaddy

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 relies on:

- UK registered trademark no. UK00003184863 for the word mark BELMOND registered in classes 35, 36, 39 and 43 on 16 December 2016; and
- EU registered trademark no. 012293411 for a logo principally comprising the word BELMOND registered in classes 35, 36, 39 and 43 on 8 November 2014.

FACTUAL BACKGROUND

The Complainant has carried on business under the mark BELMOND since 1976 as the owner of luxury hotels around the world and the provision of luxury travel services, including the Venice Simplon-Orient-Express train. The Complainant promotes its business and provides its services inter alia through a website at www.belmond.com.

The disputed domain name <belmondagency.com> was registered by the Respondent on 20 October 2024 without the consent of the Complainant. It locates a web page displaying a somewhat blurred photograph of scenery, the heading "BELMOND" and the following text further down the page: "TRAINS, BY BELMOND / Our Private Trips are a great way to see the world - with friends, family or colleagues / EXPLORE YOUR JOURNEY". The last phrase has a hypertext link to a further page which invites Internet users

to log in to Belmond by providing their Username/Phone Number and a Login Password.

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 Panel finds that the Complainant has registered rights in the mark "BELMOND". The Panel is also satisfied that the disputed domain name is confusingly similar to this mark, from which it differs only in the addition of the generic word "agency" and the generic top level domain name suffix.

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 Panel finds on the undisputed evidence that the Respondent has not made a bona fide offering of goods or services under the disputed domain name or any corresponding name prior to notice of the dispute. The Panel is also satisfied that the Respondent is not commonly known by the disputed domain name and has not made any legitimate non-commercial or fair use of the disputed domain name.

The Complainant has to the satisfaction of the Panel shown that the Respondent has 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 Panel finds on the balance of probabilities that the Respondent has used the disputed domain name in an intentional attempt to attract Internet users to its web page for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of that web page and products and services on it.

In accordance with paragraph 4(b)(iv) of the UDRP, these circumstances are evidence of the registration and use of the disputed domain in bad faith. No material on the file displaces this presumption.

Accordingly, 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

The disputed domain name consists of the Complainant's registered mark followed by a generic word and the generic TLD; the Panel finds that it is confusingly similar to the mark. On the available information, the Respondent has not made a bona fide offering of goods or services under the disputed domain name or any similar name, nor made any legitimate non-commercial or fair use, and is not commonly known by the disputed name. The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name or any corresponding name. The Panel is also satisfied that the disputed domain name was registered and is being used in bad faith, applying the presumption in paragraph 4(b)(iv) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **belmondagency.com**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2025-05-05

Publish the Decision