Decision for dispute CAC-UDRP-107665

Case number	CAC-UDRP-107665
Time of filing	2025-06-16 15:44:35
Domain names	haman-hotel.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Aman Group S.á.r.l

Complainant representative

Organization	HSS IPM GmbH

Respondent

Name	Christina Hartmann

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 is the owner of numerous registrations for the trademark "AMAN", including the international trademark No. 953150, registered on August 24, 2007, for goods and services in classes 3, 9, 16, 36, 39, 41, 43 and 44.

The disputed domain name was registered by the Respondent on May 20, 2025.

FACTUAL BACKGROUND

The Complainant states that it is a luxury hotel and accommodation business group with around 35 destinations in 20 countries, 15 of which are located close to or within UNESCO-protected sites.

The Complainant points out that it owns the domain name <aman.com>, registered on July 7, 1997, and use it to connect to the website through which it informs potential customers about the AMAN mark, related brands, and products and services.

The Complainant notes that the disputed domain name directly incorporates the Complainant's registered trademark AMAN, with the mere addition of the preceding letter "h", the generic and hospitality-related term "hotel", a hyphen and the top-level domain ".com". The Complainant considers that the inclusion of the term "hotel", which directly relates to the Complainant's core business,

further heightens the likelihood of confusion. The Complainant argues that the first part of the disputed domain name (“haman”) constitutes an intentional misspelling of the trademark AMAN, designed to create a misleading impression of association. The Complainant highlights that the top-level domain ".com" does not add any distinctiveness to the disputed domain name.

In the light of the above, the Complainant considers that the disputed domain name should be considered confusingly similar to the Complainant’s trademark.

The Complainant notes that the disputed domain name resolves to a pay-per-click webpage displaying links in Dutch and English related to booking systems and hospitality services, such as "Vakantiepark" (holiday park), "Accommodatie" (accommodation), and "Greece Apartments”. The Complainant points out that these terms are directly relevant to the luxury hospitality sector in which Complainant operates, and the pay-per-click page demonstrates an intent to exploit the reputation of the Complainant's mark for commercial gain through misleading associations. The Complainant argues that the Respondent was aware of the Complainant’s rights prior to registering the disputed domain name, given the well-known status of the Complainant's brand and the deliberate inclusion of the dominant aspects of the mark within the domain. The Complainant states that it has never authorized the Respondent to use its trademarks or to benefit from its goodwill in any manner.

The Complainant observes that the Respondent appears to be using the disputed domain name to perpetrate a phishing scheme that cannot constitute legitimate rights and interests in the disputed domain name. The Complainant submits that the Respondent is using the disputed domain name in a fraudulent scheme. The Complainant clarifies that it has received multiple reports via its official data protection contact address concerning sophisticated fake job offers being sent from e-mail addresses using the disputed domain name. The Complainant considers that this use of the disputed domain name is deceptive and unlawful and serves no other purpose than to exploit the Complainant’s reputation for unfair gain.

The Complainant points out that it has not found that the Respondent is commonly known by the disputed domain name or that it has any interest in the latter. The Complainant adds that when entering the terms “HAMAN HOTEL’’ and ‘’HOTEL HAMAN’’ in the Google search engine, the top results point to the Complainant and its business activity. The Complainant states that it does not have any relationship, association, or connection with the Respondent.

The Complainant submits that it has not found any evidence that the Respondent has made any known legitimate, non-commercial use of the disputed domain name because the disputed domain name is not used for any use that could potentially be deemed fair use, but on the contrary, the Respondent is exploiting the disputed domain name by impersonating the Complainant in e-mail communications creating the false impression of affiliation with the latter.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith.
The Complainant underlines that its trademarks long predate the registration of the disputed domain name and the Respondent has never been authorized by the Complainant to register the disputed domain name, nor does the Complainant have any relationship with the Respondent. The Complainant considers that its active business presence in different markets and on a significant scale around the world makes it apparent that the Respondent was aware that the registration of the disputed domain name was abusive.
The Complainant argues that the above-mentioned results of Google searches for the terms “HAMAN HOTEL’’ and ‘’HOTEL HAMAN’’ lead to an inference of knowledge and, therefore, of bad faith.
The Complainant points out that the disputed domain name resolves to a pay-per-click parking page displaying sponsored links related to luxury travel, hotels, and booking services, which are sectors directly associated with the Complainant’s hospitality business.

The Complainant adds that the disputed domain name has been actively used to impersonate it by sending e-mails falsely claiming to originate from Aman’s human resources department, for phishing purposes.

The Complainant argues that these actions demonstrate that the Respondent was not only aware of Complainant’s rights but specifically targeted it as part of an attempt to deceive potential employees.

The Complainant notes that the disputed domain name has been set up with MX records, enabling the sending of deceptive e-mails. The Complainant considers that the presence of MX records strongly supports a finding of bad faith, especially when combined with actual phishing activity.

PARTIES CONTENTIONS

The Complainant, relying on the arguments summarised above, 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

In accordance with paragraph 4(a) of the Policy, in order to obtain the transfer of the disputed domain name, the Complainant has to demonstrate that:

(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 in bad faith.

IDENTICAL OR CONFUSINGLY SIMILAR

The first requirement that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant’s trademark or service mark rights.

There are two elements of this test: the Complainant must demonstrate that it has rights in a trademark or service mark and, if so, the disputed domain name must be shown to be identical or confusingly similar to the trademark or service mark.

The Complainant has proven ownership of the registered trademark “AMAN”, identified in section “Identification of rights” above.

The Panel observes that the registration of the Complainant's trademark predates the registration of the disputed domain name.

On the question of identity or confusing similarity, what is required is simply a comparison and assessment of the disputed domain name itself to the Complainant’s trademark.

It is well established that a domain name which contains a common or obvious misspelling of a trademark normally will be found to be confusingly similar to such trademark, where the misspelled trademark remains the dominant or principal component of the domain name (see, for example, WIPO Case No D2016-2545).

In the present case, the Panel considers that the disputed domain name is confusingly similar to the Complainant's "AMAN" trademark for the following reasons:
(a) "AMAN" is a distinctive word;
(b) the only difference between the "AMAN" trademark and the disputed domain name is that in the latter the letter "h" has been added at the beginning of the disputed domain name and the generic word "hotel" (preceded by a hyphen and followed by the top-level domain ".com") has been added at the end of the disputed domain name;
(c) the above-mentioned differences between the "AMAN" trademark and the disputed domain name do not give the disputed domain name any distinctive meaning;
(d) in essence, the disputed domain name is a deliberate misspelling of the Complainant's "AMAN" trademark, with the only addition of the mute or aspirated (depending on the linguistic background of the reader) letter "h" and of the generic term concerning the Complainant business sector; and
(e) visually and phonetically the disputed domain name is so close to the Complainant's "AMAN" trademark, with the addition of the generic term "hotel", that confusion is inevitable between them.

The Panel is aware that "Haman" is a county in the South Gyeongsang Province of South Korea. It should be borne in mind that point 1.7 of the "WIPO Jurisprudential Overview 3.0" clarifies that "[...] where a panel would benefit from affirmation as to confusing similarity with the complainant's mark, the broader case context such as website content trading off the complainant's reputation [...] may support a finding of confusing similarity [...]". Furthermore, point 1.15 of the "WIPO Jurisprudential Overview 3.0" points out as follows: "The content of the website associated with the domain name is usually disregarded by panels when assessing confusing similarity under the first element. In some instances, panels have however taken note of the content of the website associated with a domain name to confirm confusing similarity whereby it appears prima facie that the respondent seeks to target a trademark through the disputed domain name [...]". Other panels have taken into account the fact that adding a single letter does not change a disputed domain name sufficiently to avoid a finding of confusing similarity, even if the resulting wording also entails a different meaning (see, for example, Nat. Arb. Forum Case No. 1377835). In the light of the above, and taken into account the content of the website associated with the disputed domain name and the broader case context, the Panel takes the view that the Respondent has targeted the Complainant's trademark, and that this supports a finding of confusing similarity in the present circumstances.

It is well accepted that the hyphen is not relevant in the confusing similarity test (see, for example, WIPO case No. D2016-0676).

It is also well established that the top-level domain may generally be disregarded in the confusing similarity test (see, for example, WIPO case No. D2016-2547).

Therefore, the Panel considers that the disputed domain name is confusingly similar to the Complainant's trademark.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

RIGHTS OR LEGITIMATE INTERESTS

The second requirement that the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in the disputed domain name:

(i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or

(ii) [the Respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [the Respondent] [has] acquired no trademark or service mark rights; or

(iii) [the Respondent] [is] making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

This is a non-exhaustive list of circumstances in which a respondent can show rights or legitimate interests in a domain name.

The onus of proving this requirement falls on the Complainant. UDRP panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of “proving a negative”.

Accordingly, it is usually sufficient for a complainant to raise a prima facie case against the respondent and the burden of proof on this requirement shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name.

The Panel finds that the Complainant has made out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name.

In particular, the Complainant states that:

- the disputed domain name resolves to a pay-per-click webpage displaying links in Dutch and English related to booking systems and hospitality services;

- its well-known brand has been deliberately incorporated in the disputed domain name;

- it has never authorized the Respondent to use its trademarks or to benefit from its goodwill in any manner;

- the Respondent has used the disputed domain name for phishing purposes;

- the Respondent is not commonly known by the disputed domain;

- it does not have any relationship or association, or connection with the Respondent;

- it has not found any evidence that Respondent has made any known legitimate, non-commercial use of the disputed domain name because the disputed domain name is not used for any use that could potentially be deemed fair use, but on the contrary, the Respondent is exploiting the disputed domain name by impersonating the Complainant in email communications creating the false impression of affiliation with the latter.

Taking into account the fact that the disputed domain name resolves to a pay-per-click webpage with links to services related to the Complainant's business, that the Complainant has granted no authorization to use its trademark, that the disputed domain name has been used for phishing purposes, that the Respondent is not commonly known by the disputed domain name and that there is no relationship, association, or connection between the Complainant and the Respondent, the Panel cannot imagine any possible legitimate justification for this use, and the Respondent has not come forward with any explanation that demonstrates any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

REGISTERED AND USED IN BAD FAITH

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both

registered and used in bad faith by the Respondent.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, including:

(i) circumstances indicating that [the Respondent] [has] registered or [has] acquired the [disputed] domain name primarily for the purpose of selling, renting, or otherwise transferring the [disputed] domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the Respondent's] documented out-of-pocket costs directly related to the [disputed] domain name; or

(ii) [the Respondent] [has] registered the [disputed] 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 [the Respondent] [has] engaged in a pattern of such conduct; or

(iii) [the Respondent] [has] registered the [disputed] domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the [disputed] domain name, [the Respondent] [has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent's] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the Respondent's] web site or location or of a product or service on [the Respondent's] web site or location.

The Panel, on the basis of the evidence presented, agrees with the Complainant's contentions that the disputed domain name was registered in bad faith and that it has been used in bad faith.

Taking into account the distinctiveness and reputation of the trademark “AMAN” also recognized by other panels (see, for example, CAC Case No. 106348), the Panel agrees that it is inconceivable that the Respondent was not aware of the Complainant's rights in the Complainant's trademark when registering the disputed domain name.

Other panels considered that knowledge of a corresponding mark at the time of the domain name’s registration can suggest bad faith (see, for example, WIPO Case No. D2017-0100). The Panel shares this view.

As regards the fact that the disputed domain name resolves to a pay-per-click parking page displaying sponsored links related to the Complainant's business sector, the Panel points out that other panelists have found that this circumstance supports a finding of bad faith (see, for example, CAC Case No. 107358 and CAC Case No. 103358). The Panel agrees with this view and considers that also the circumstances of the present case support a finding of bad faith.

The Panel considers that the existence of MX records for the disputed domain name and the fact that the latter has been actively used to impersonate the Complainant by sending e-mails falsely claiming to originate from Aman’s human resources department, for phishing purposes, are evidence of bad faith, in line with the view of other panels in similar circumstances (see, for example, CAC Case No. 107517).

The Panel observes that if the Respondent had legitimate purposes in registering and using the disputed domain name it would have filed a Response in this proceeding.

The Panel, having taken into account the Respondent's knowledge of the Complainant's trademark at the time of the disputed domain name registration, that no response to the complaint has been filed, that MX records have been created, that the disputed domain name has been used for phishing purposes, that the disputed domain name resolves to a pay-per-click parking page displaying sponsored links related to the Complainant's business sector and that there is no evidence of a plausible good faith use to which the Respondent might put the disputed domain name, considers that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **haman-hotel.com**: Transferred

PANELLISTS

Name	**Michele Antonini**

DATE OF PANEL DECISION 2025-07-26

Publish the Decision