Decision for dispute CAC-UDRP-108327

Case number	CAC-UDRP-108327
Time of filing	2026-01-16 10:07:03
Domain names	amanbrickell.miami

Case administrator

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

Complainant

Organization	Aman Group S.á.r.l.

Complainant representative

Organization	HSS IPM GmbH

Respondent

Name	Gaston Lauge

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 trademarks filed or registered worldwide, including but not limited to the following:

- ARMAN, national US trademark registration n° 5870593 of 1st October 2019 claiming services in class 35 i.e. notably "advertising services, business management, business administration services, retail store services featuring beauty products, beauty utensils and nueaty preparion, skincare products and preparations, etc..";
- ARMAN, European Trademark registration n° 005892757 of 4th March 2008 duly renewed since claiming goods and services in classes 3, 36, 43 and 44;
- ARMAN Nationall Australian trademark registration n° 834808 of 11th May 2000 duly renewed since claiming services in classes 35, 36, 39 and 42;
- ARMAN (figurative) international trademark registration n°143849 of 31 August 2008 claiming a protection in particular in Australia, Switzerland, Européen Union , UK, Croatia, New Zealand, Russian Federation, USA duly renewed since claiming services in class 35.

The Complainant is the owner of domain name <aman.com> since 22 July 1997 duly used since.

The Respondent registered the disputed domain name <amanbrickell.miami> on 24 September 2025. Currently, the disputed domain name resolves to a sole page mentioning “Atma by Aman Brickell – coming soon” with a full-screen image of a large luxury building

complex.

FACTUAL BACKGROUND

Aman Group S.á.r.l., along with its affiliates, subsidiaries and related entities, is a luxury hotel and accommodation business with around 35 destinations in 20 countries, 15 of which are located close to or within Unesco-protected sites. True to the brand's pioneering spirit, a further ten projects have been announced to date as part of a robust future pipeline. Complainant's Aman destinations are renowned for space and privacy, welcoming guests as if to the home of a close friend, instilling a sense of peace and belonging amid some of the most diverse natural and historical landscapes. It is an approach that has changed little since 1988 when the first retreat was built on Phuket's west coast. It was named Amanpuri, meaning 'place of peace', and Aman was born.

Due to extensive use, advertising, and revenue associated with its trademarks worldwide, AMAN has achieved a high level of international recognition and distinctiveness, as recognized by Travel Luxury Intelligence in 2018 when AMAN was rated number one in the Top Luxury Hotel Brands.

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. The Complainant makes a number of legal arguments and also supplies a set of annexes providing evidence of its activities and of the Respondent's use of a mere webpage pretending a forthcoming large luxury complex.

No administratively compliant Response has been filed by the Respondent.

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

It ought to be indicated that the CAC was unable to send the written notice to the Respondent as the address provided by the Registrar in "Registrar verification" information does not exist. The CAC nevertheless sent the notice and the postal service provider was not able to deliver a written notice to such address.

No other address for correspondence was found on the disputed domain name.

The notice of the Commencement of the administrative proceeding was sent also by e-mail. Yet, the e-mail notices sent to postmaster@amanbrickell.miami, has permanent fatal errors and to gastonmiami@gmail.com no proof of receipt or undelivery has been received. No further e-mail addresses could be found on the disputed site.

PRINCIPAL REASONS FOR THE DECISION

Notwithstanding the fact that no Response has been filed, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following elements:

- that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; an
- that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- that the disputed domain name was registered and is being used in bad faith.

1. **Identical or confusingly similar: Paragraph 4(a)(i)**

It is established that the Complainant is the proprietor of trademark registrations for trademarks consisting of, or including, AMAN, which were obtained prior to the registration of the disputed domain name.

The disputed domain names all include the trademark AMAN in its entirety in association with the geographical terme "brickell" (a quarter of Miami) which is followed by a Top-Level Domain ("TLD") suffix consisting of the name of a city, country or continent (.MIAMI). It is well established that TLD suffixes are disregarded in the assessment of identity or similarity between a disputed domain name and a complainant's mark, see section 1.11.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "WIPO Overview 3.0"). It would nevertheless be considered that the use of <.miami> and the indication of a quarter of that city increases the risk of confusion and similarity.

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

Furthermore, the Respondent has set a sole webpage "coming soon" with a full-screen image of a large luxury building complex increasing that risk of confusion.

The Respondent's pattern of conduct shows that the Respondent intended clearly to target the Complainant's internet users and the domain name.

The Panel is satisfied that Complainant has satisfied the first element of the Policy.

2. **Rights or Legitimate Interests: Paragraph 4(a)(ii)**

The Respondent is not commonly known by the disputed domain name and the Respondent's Whois information is not similar to the disputed domain name. The Respondent is neither affiliated with nor authorized by the Complainant in any way. The Respondent does not carry out any activity for, nor has any business with the Complainant. No authorization has been granted to the Respondent by the Complainant to use its AMAN trademark.

The disputed domain name was registered on 20 September 2024. The disputed domain name resolved to a website presenting a sole webpage with the mention "Atma by Aman Brickell – coming soon" with a full-screen image of a large luxury building complex (nota: ATMA is also trademark owned by the Complainant).

UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

The Complainant has demonstrated a pattern of conduct of the Respondent where such impersonation or high risk of confusion for the internet user is created.

To demonstrate rights or legitimate interests in a domain name, non-exclusive respondent defences under UDRP paragraph 4(c) include the following:

(i) before any notice of the dispute, the 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) the respondent (as an individual, business, or other organization) has been commonly known by the 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 domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

In the present case it clearly appears that none of the conditions are fulfilled.

Finally, it is reminded that WIPO Overview 3.0, section 2.1, states: "While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

The Panel finds that Complainant has established its prima facie case and, without any evidence from Respondent to the contrary and the pattern of conduct of the Respondent comfort it.

The Panel is satisfied that Complainant has satisfied the second element of the Policy.

3. Registered and Used in Bad Faith: Paragraph 4(a)(iii)

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in paragraph 4(b) of the Policy: (i) circumstances indicating that the registrant has registered or the registrant has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the 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 registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the 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 registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location.

As set forth in section 3.1.4 of WIPO Overview 3.0: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar… to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." That is applicable here.

Further, the disputed domain name resolving to a website presenting a sole webpage indication "Atma by Aman Brickell – coming soon" with a full-screen image of a large luxury building complex directly linked to the activity of the Complainant would be construed as bad faith.

For the evidence provided with it appears that by using the domain name, the respondent has intentionally reserved the disputed domain name to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name. UDRP Policy, para. 4(b)(ii).

Accordingly, the Panel finds that Complainant has proven the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **amanbrickell.miami**: Transferred

PANELLISTS

Name	**David-Irving Tayer**

DATE OF PANEL DECISION 2026-03-02

Publish the Decision