



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

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| Case No. | HK-1400635 |
| Complainant(s): | Marriott Worldwide Corporation, and Renaissance Hotel Holdings, Inc. |
| Respondent: | zheng ying |
| Disputed Domain Name(s): | <bjmarriotthotel.com> <hnamarriotthotel.com> <fuliwanlihotel.com> <guohangwanlihotel.com> <beijingjwhotel.com> |

1. The Parties and Contested Domain Name

The Complainants are Marriott Worldwide Corporation of the USA, and Renaissance Hotel Holdings, Inc. of the USA.

The Respondent is Zheng Ying, of Fuzhou, Fujian Province, Fuzhou, Fujian 350000, China.

The domain names at issue are bjmarriotthotel.com, hnamarriotthotel.com, fuliwanlihotel.com, guohangwanlihotel.com, and beijingjwhotel.com. Each of these were registered by the Respondent with Godaddy.com, LLC, of 14455 North Hayden Rd, Suite 219, Scottsdale AZ 85260, United States.

2. Procedural History

The Complaint was filed with the Asian Domain Name Dispute Resolution Centre (the “Center”) on August 6, 2014. On August 7, 2014, the Center transmitted by email to Godaddy.com, LLC (the Registrar of the domain names) a request for registrar verification in connection with the domain names at issue. The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the Centre’s Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with Paragraphs 2(a) and 4(a) of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 21, 2014. In accordance with Paragraph 5(a) of the Rules, the due date for the filing of a Response by the Respondent was September 10, 2014. The Respondent did not submit any response by this

deadline date. Accordingly, the Center notified the Respondent of its default on September 11, 2014.

The Center appointed Matthew Murphy as the sole panelist in this matter on September 23, 2014. 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 Paragraph 7 of the Rules.

3. Factual background

For the Complainants

The Complainants have stated that they are members of Marriott International, Inc. (“Marriott”) which was originally founded by J. Willard and Alice Marriott in 1927 in the United States of America and is a leading hospitality company, publicly listed on the NYSE. It has been stated that Marriott has more than 4,000 hotels in 72 countries and territories around the world, including 67 open hotels and more than 80 hotels under development in China. Marriott owns, manages and franchises a broad portfolio of well-recognized and award-winning hotel brands. The Complainants also claim that they have acquired trademark registrations for various Marriott hotel brands in Mainland China, Hong Kong and Taiwan, including MARRIOTT, JW’S, JW MARRIOTT, JW 万豪 (Chinese equivalent for JW MARRIOTT), and 万丽 (“WanLi”, Chinese equivalent for Renaissance).

The Complainant has provided the copies of registration certificates for the following trademarks, claiming them to be relevant to this case:

- (i) for Mainland China: “MARRIOTT” Trademark Registration No.774907, “MARRIOTT” Trademark Registration No.1117877, “MARRIOTT” Trademark Registration No.1123893, “JW MARRIOTT” Trademark Registration No.6189280, “JW MARRIOTT” Trademark Registration No.6189281, “JW 万豪” Trademark Registration No.1269929, “萬麗” Trademark Registration No.1595842, “万丽” Trademark Registration No.1599662, “万丽” Trademark Registration No.5389711, “万丽” Trademark Registration No.5389712, “万丽” Trademark Registration No.5398239, and
- (ii) for Hong Kong: “JW’S” Trademark Registration No.300138393.

The Complainants have provided evidence to show they have advertised and promoted the trademarks of MARRIOTT, JW’S, JW MARRIOTT, JW 万豪 and 万丽 (WanLi), extensively throughout Mainland China, Hong Kong and Taiwan, and many other places.

For the Respondent

The Respondent did not provide any submissions or evidence to be considered.

4. Parties' Contentions

The Complainants

The Complainants assert that the Respondent has no legitimate interests in respect of the disputed domain names, and that the domain names have been registered and used in bad faith.

The Respondent

The Respondent has not asserted any claims, defenses or contentions.

5. Findings

Under Paragraph 4 (a) of the Policy, the Panel should be satisfied in relation to each domain name as to the following, if it is to order the transfer of the domain name to the complainant in a particular case:

- (i) The 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 domain name; and
- (iii) The domain name has been registered in bad faith;
- (iv) The domain name is being used in bad faith.

Identical or Confusing Similarity

The Panel finds that the Complainants have established that they are the owners of the trademarks MARRIOTT, JW'S, JW MARRIOTT, JW 万豪 and 万丽 (WanLi). The validity and fame of these trademarks are beyond dispute around the world, including in Greater China.

The Respondent's domain names include the Complainants' trademarks, with simple additions to them, as follows:

- (i) <bjmarriotthotel.com> includes the Complainants' trademark MARRIOTT, with the simple addition of two characters "b" and "j". These two characters could be read as indicating a reference to Beijing. It also includes the generic word of "hotel",
- (ii) <hnamarriotthotel.com> includes the Complainants' trademark MARRIOTT, with the simple addition of the letters "h", "n" and "a". These letters could be read as a reference to Hainan or Hainan Airlines perhaps. It also includes the generic word of "hotel",
- (iii) <fuliwanlihotel.com> includes the pinyin of Complainants' trademark 万丽, with the simple addition of the word "fuli". This could be a reference to the well known property developer named 富力. The generic word of "hotel" is also included,

- (iv) <guohangwanlihotel.com> includes the pinyin of Complainants' trademark 万丽, with the simple addition of the generic word "guohang" which could be the pinyin for a reference to Air China 国航. It also includes the generic word of "hotel", and
- (v) <beijingjwhotel.com> includes the distinctive part of Complainants' trademarks JW 万豪 and JW'S, with the simple addition of a geographical reference being that of "beijing" as a prefix. It also includes the generic word of "hotel".

No evidence or submissions to refute the claims discussed above have been provided by the Respondent. Internet users may easily understand the domain names referred to above to refer to Marriott hotel products and services, since the domain names include the Complainants' marks and the marks themselves, are distinctive marks that are highly attributable to the Complainants. Marriott is a well-known multi-national company with high visibility across Greater China, such that it is expected that most consumers would associate the domain names and the marks included in those domain names with the Complainants. Another reason for Internet users to most likely associate the domain names with the Complainants, is due to the inclusion of "hotel" in the domain names, since the Complainants are focused on provided products and services in the hotel or hospitality industry in Greater China and around the world. Accordingly, the Panel finds that the domain names <bjmarriotthotel.com> and <hnamarriotthotel.com> are confusingly similar to the trademarks MARRIOTT and JW MARRIOTT owned by the Complainants, the domain names <fuliwanlihotel.com> and <guohangwanlihotel.com> are confusingly similar to the trademarks 万丽 (WanLi) owned by the Complainants, and the domain name <beijingjwhotel.com> is confusingly similar to the trademarks JW 万豪, JW'S and JW MARRIOTT owned by the Complainants.

Rights or Legitimate Interests of the Respondent

The Panel has not seen any evidence to indicate that the Respondent had any right or legitimate interests whatsoever, in respect of the trademarks MARRIOTT, JW'S, JW MARRIOTT, JW 万豪 and 万丽 (WanLi), or that there was any association between the trademarks referred to above and its activities, before registering the domain names. Given that the Respondent has not provided any evidence to support a right or legitimate interest in the domain names, the Panel finds that the Respondent has no rights or legitimate interests in respect of the domain names.

Bad Faith

The trademarks MARRIOTT, JW'S, JW MARRIOTT, JW 万豪 and 万丽 (WanLi) are well-known enough that it is presumable that the Respondent knew about their existence when registering the domain names (see *Banca Sella S.p.A. v. Mr. Paolo Parente*, [WIPO Case No. D2000-1157](#); *Expedia, Inc. v. European Travel Network*, [WIPO Case No. D2000-0137](#)). It is noted that no arguments or submissions have been submitted by the defaulting Respondent in order to counter these findings. The Panel concludes that the domain names have been registered in bad faith.

As far as use of the domain names in bad faith is concerned, the Panel concludes that the Respondent's holding of the domain names in this particular case satisfies the requirement of Paragraph 4(a)(iii) of the Policy in that the domain name "is being used in bad faith" by the Respondent (see *Telstra Corporation Limited v Nuclear Marshmallows*, [WIPO Case No. D2000-](#)

0003; Espirito Santo Financial Group S.A. v. Peter Colman, WIPO Case No. D2001-1214) - the Complainants' trademarks have a strong reputation and are widely known, as evidenced by their substantial use and registration in various countries throughout the world, and the Respondent has provided no evidence of any actual or contemplated good faith use by it of the domain names.

6. Decision

Pursuant to Paragraph 4(a) of the Policy and Paragraph 15 of the Rules, this Panel orders that the domain names <bjmarriotthotel.com>, <hnamarriotthotel.com>, <fuliwanlihotel.com>, <guohangwanlihotel.com> and <beijingjwhotel.com> be transferred to the Complainants.

Matthew Murphy
Sole Panelist

Dated: 26 September 2014