

**.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE**

Decision of Independent Specialist

Case Number: 782

1. The Parties:

Complainant:	Tranquility Retreats Ireland Limited
Respondent:	Golden Cuisine Limited

2. The Domain Name(s):

tranquilityireland.ie	(“the Domain Name”)
------------------------------	----------------------------

3. Procedural History:

I can confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future that need be disclosed as they might be of such a nature as to call in to question my independence in the eyes of one or both of the parties.

The procedural history is as follows:

Action	Comment / date
Dispute received	2 nd September 2025
Complaint validated	2 nd September 2025
Notification of complaint sent to Complainant	3 rd September 2025
Notification of complaint sent to Respondent	24 th September 2025
Phone calls to respondent	26 th September 2025
Letter sent to respondent	
Forum Opened	3 rd September 2025
Complaint Form received	22 nd September 2025
Response received	17 th October 2025
Forum Closed	10 th November 2025
Adjudication Started	11 th November 2025
Adjudication Decision Posted	15 th November 2025
Adjudication Decision accepted / rejected	
Specialist Decision published	17 th November 2025

4. Factual Background

The Complainant operates luxury self-catering accommodation under the name Tranquility Retreats Ireland Limited, incorporated in 2017, with prior trading history of over 20 years. It owns domains including tranquilityireland.com (registered 2012) and tranquilityhousecarlingford.com (registered 2014).

The Respondent, Golden Cuisine Ltd, registered tranquilityireland.ie in 2019. The Respondent claims the name “Tranquility” relates to a family home in Carlingford, County Louth, and asserts plans for short-term accommodation lettings through the domain.

5. Parties’ Contentions

Complaint

A summary of the Complaint is as follows:

The Complainant contends that:

- The Complainant holds rights in the name “Tranquility Ireland” through long-standing use and company registration.
- The domain name is confusingly similar to its trading name and .com domain.
- The Respondent has registered and used the domain in bad faith, evidenced by:
 - Passive holding for years, then activation after Complainant’s brand success.
 - Pattern of registering similar domains to those held by the Respondent (e.g., tranquilityhousecarlingford.ie).
 - Replication of key aspects of the Complainant’s website layout and presentation, indicating an intent to create association or confusion
 - Actual consumer confusion and reputational harm.

The Complainant requests transfer of the domain.

.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE

Response

A summary of the Response is as follows:

The Respondent contends that:

- The Respondent registered tranquilityireland.ie lawfully in 2019 for legitimate business purposes.
- “Tranquility” is the name of Respondent’s family home for over 20 years.
- The domain name comprises words which are generic and descriptive, viz. “tranquility” and “Ireland”.
- The Respondent asserts that its plans to develop short term accommodation lettings demonstrates a genuine and legitimate interest.
- The Respondent did not act in bad faith, evidenced by the fact that:
 - It never offered to sell the domain
 - It never misled customers
 - It never copied branding.
- The Complainant operates mainly from Northern Ireland

The Respondent requests dismissal of complaint.

.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE

6. Discussions and Findings

The burden of proving a complaint under the ADRP is on the Complainant.

Matters to be proved:

Complaint Submission

The Complainant has proved in accordance with .ie ADR Policy that...

	<ul style="list-style-type: none">• the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant. This means that the complainant must prove its identity and it must prove that it has a substantive connection with the island of Ireland. If the complainant has other .ie domains registered in their own name this requirement is satisfied automatically; and
	<ul style="list-style-type: none">• the Complainant has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant’s rights have been negatively impacted by the registration, and
	<ul style="list-style-type: none">• the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.

General

	<ul style="list-style-type: none">• the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant, and• the Complainant has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant’s rights have been negatively impacted by the registration, and• the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.
--	---

Complainant’s Rights

The meaning of “Rights” is defined in the .ie ADR Policy as follows:

	<ul style="list-style-type: none">• the Complainant has rights in the domain name, or in marks or identifiers very similar to it (sufficiently close to the domain that there would be a strong likelihood of confusion), or that the Complainant’s rights have been negatively impacted by the registration. Any legal right or entitlement can be considered, including but not limited to:
	<ul style="list-style-type: none">○ Trade and service marks protected in the island of Ireland, or
	<ul style="list-style-type: none">○ Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or
	<ul style="list-style-type: none">○ Geographical indications that can prima facie be protected in the island of Ireland,
	<ul style="list-style-type: none">○ Unregistered rights acquired through use; and the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.

.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE

Complainant Rights Negatively Impacted

The Complainant rights are negatively impacted by the domain registration or use as shown by:

	<ul style="list-style-type: none">• The domain name registration or use is misleading or confusing to its customers, or
	<ul style="list-style-type: none">• The domain name registration or use is commercially damaging to its business through activities such as passing-off, content scraping or impersonation, or
	<ul style="list-style-type: none">• The domain name is being used to circulate defamatory material relating to the Complainant, or
	<ul style="list-style-type: none">• The domain name is being used for the purpose of making unauthorised use of material in which the Complainant has a copyright or another protected interest

Domain Used or Registered Abusively or in Bad Faith

.ie ADR Policy defines “Abusively Registered” as:

Abusively registered refers to a Domain Name which was registered or used to take unfair advantage of or was unfairly detrimental to the Complainant's Rights;

The domain has been registered or is being used Abusively or in Bad Faith by the Registrant as evidenced by:

	<ul style="list-style-type: none">• The domain name was registered or is being used with the primary purpose of selling or renting it specifically to the Complainant (or a competitor) for more than the Registrant paid for it, or
	<ul style="list-style-type: none">• The domain name was registered or is being used with the primary purpose of preventing the Complainant registering a name or mark in which the Complainant has rights, or
	<ul style="list-style-type: none">• The domain name was registered or is being used with the primary purpose of unfairly disrupting or interfering with the Complainant’s business, or
	<ul style="list-style-type: none">• The domain name is being used in a way that is likely to confuse people or businesses into believing that it is registered to, operated or authorised by, or otherwise connected with the Complainant, or
	<ul style="list-style-type: none">• The domain name was registered or is being used for an unlawful purpose (e.g. it is engaging in suspected fraudulent activity, engaging in other criminal/illegal online activity), or
	<ul style="list-style-type: none">• The domain name is registered to a company which currently has a dissolved company trading status, or
	<ul style="list-style-type: none">• The domain name is being used to facilitate the circulation of defamatory or racist material, or
	<ul style="list-style-type: none">• The domain name is registered to a Registrant which does not have (and never had) a connection to the island of Ireland, or

.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE

	<ul style="list-style-type: none">• The domain name was registered as a result of a relationship between the Complainant and the Registrant, and the Complainant<ul style="list-style-type: none">a) has been using the Domain Name registration exclusively; andb) paid for the registration and/or renewal of the Domain Name registration; or
	<ul style="list-style-type: none">• Failure by the Registrant to use the Domain Name for the purposes of email or a web site, the Registrant offering a domain name for sale, or use of domain parking services that may include advertising related to the keyword content of the domain name are not of themselves evidence of abuse or bad faith, however the Specialist may consider these issues in combination with other factors when deciding a case.

The Complainant has established:

The Complainant has established:

1. That it would ordinarily be entitled to register the domain name, having proved its identity and its substantial connection with the island of Ireland;
2. That it has rights in the domain name, specifically unregistered rights acquired through long-standing and substantial use of the name in trade, predating the Respondent's registration;
3. That the registration and use of the domain name has caused actual confusion among the Complainant's customers, resulting in reputational harm and loss of business;
4. That the website operated by the Respondent reflects design elements and structure so closely aligned with the Complainant's, beyond what could reasonably be attributed to coincidence, indicating intentional replication rather than independent creation;
5. That the Respondent's activation of the domain after a prolonged period of inactivity, coinciding with the Complainant's brand success, supports a finding of opportunistic bad faith.
6. That there has been confusion in the minds of its customers arising from the Registrant's use of the domain name, and potential reputational harm.

.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE

Domain Holder Response

Showing that a Registration is not Abusive or in Bad Faith

The Registrant may provide information to counter any statements within the complaint and can submit its own evidence to show that its registration and/or use of the domain is not unreasonable, including but not limited to demonstrating any of the factors below:

	<ul style="list-style-type: none">• The Registrant has established rights in the domain name, or in marks or identifiers very similar to the domain name including but not limited to:
	<ul style="list-style-type: none">○ Trade and service marks protected in the island of Ireland, or
	<ul style="list-style-type: none">○ Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or
	<ul style="list-style-type: none">○ Unregistered rights acquired through use.
	<ul style="list-style-type: none">• Prior to any notice of the dispute, the Registrant used the domain name or a name reasonably corresponding to the Domain Name in connection with a bona fide offering of goods or services or made demonstrable preparations for such use, or
	<ul style="list-style-type: none">• The Registrant (as an individual, business, or other organization) has been commonly known by the domain name or similar name, even in the absence of a registered trademark, or
	<ul style="list-style-type: none">• The domain name is generic or descriptive and the Registrant is making fair use of it, or
	<ul style="list-style-type: none">• The domain name is being used solely for tribute or criticism, or
	<ul style="list-style-type: none">• The domain name contains or references the Complainant's mark but the Registrant is making fair use of it.

The Registrant has established:

The Registrant has established

1. that the domain name is generic and descriptive.

However, the Registrant has *failed* to establish that the Registrant is making fair use of the domain.

Moreover:

2. The Registrant has *failed* to establish rights in the domain name through trade or service marks protected on the island of Ireland.
3. The Respondent has *failed* to establish unregistered rights in the name through personal names or pseudonyms by which the Respondent is commonly known or has acquired a reputation on the island of Ireland.

.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE

4. The Respondent has *failed* to establish unregistered rights in the name acquired through use.
5. The Registrant has *failed* to establish that prior to any notice of the dispute, the Registrant used the domain name or a name reasonably corresponding to the Domain Name in connection with a bona fide offering of goods or services or made demonstrable preparations for such use;
6. The Registrant has *failed* to establish that it has been commonly known by the domain name or similar name, even in the absence of a registered trademark.

I therefore readily conclude:

The disputed domain name tranquilityireland.ie consists of generic and descriptive terms. Article 4.2(A) of the .ie ADR Policy (hereafter “ADRP §4.2(A)”) recognises that a registrant may argue fair use of such terms; however, as ICANN UDRP and .ie ADRP panels consistently hold, “the use of a domain name comprising a dictionary word or phrase does not of itself confer rights or legitimate interests where the respondent’s intent is to trade off the complainant’s reputation” (WIPO Overview 3.0, §2.10). The same principle applies here. This approach is mirrored in .ie ADRP decisions including Distinct.ie (Case 670), where the panel held that generic terms do not shield a registrant from a finding of bad faith when used opportunistically, and Births-Marriages-Deaths.ie (Case 574), which confirmed that descriptive words cannot justify conduct that misleads consumers.

Complainant’s Rights and Evidence

The Complainant has demonstrated unregistered rights acquired through long-standing use (ADRP §4.1(B)(i)). Evidence tendered by the Complainant includes customer reviews dating from 2016, menus dated 2022, and invoices dated 2023, showing continuous and substantial trading under the “Tranquility Ireland” name. This satisfies ADRP requirements and aligns with UDRP precedent that “longstanding and significant use of a name in commerce can establish common law rights” (Sumner p/k/a Sting v. Urvan, WIPO Case No. D2000-0596). Similar reasoning was applied in Healthcare-Abroad.ie (Case 681), where the panel found that established trading history outweighed the respondent’s generic-name argument.

Respondent’s Arguments and Evidence

1. Legitimate Interest and Rights

The Respondent claims “Tranquility” is the longstanding name of its family home and that the domain was registered in 2019 to support accommodation plans. However, ADRP §4.2(A) requires evidence of bona fide use or demonstrable preparations prior to notice of the dispute. The Respondent has provided only two auction invoices from 2015 referencing “taffes castle tranquility ireland” and “tranquility.” These isolated references do not establish continuous branding or commercial use. No signage, marketing, or verified trading history was produced. Airbnb reviews tendered by the Respondent do not

.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE

mention “Tranquility Ireland” and relate to properties under different names. Accordingly, the Respondent has failed to demonstrate rights or legitimate interest under ADRP §4.2(A). This mirrors findings in Skywire.ie (Case 611), where passive holding and lack of genuine use defeated claims of legitimate interest.

2. No Bad Faith

The Respondent argues that domain inactivity does not indicate bad faith. While inactivity alone is not determinative, UDRP precedent (*Telstra Corporation Ltd v. Nuclear Marshmallows*, WIPO Case No. D2000-0003) confirms that passive holding combined with opportunistic activation constitutes bad faith. In the instant case, the domain remained dormant for years and was activated only after the Complainant’s brand achieved recognition, supporting a finding of opportunistic bad faith under ADRP §4.1(C). This principle was similarly applied in *HealthcareAbroadExposed.ie* (Case 717), where activation after the complainant’s success was deemed abusive.

3. No Confusing Similarity

The Respondent asserts that it never used the Complainant’s exact name and that its connection is to a private property. However, the Respondent’s website reflects design elements and structure closely aligned with the Complainant’s, beyond what could reasonably be attributed to coincidence. Such imitation supports a finding that the Respondent intended to “attract Internet users for commercial gain by creating a likelihood of confusion”, which is recognised as bad faith under ADRP §4.1(C) and mirrors UDRP §4(b)(iv) (*Hermes International v. Deng*, WIPO Case No. D2011-0001). The same reasoning was adopted in *HealthcareAbroadExposed.ie* (Case 717), where mimicry of the complainant’s site was treated as evidence of bad faith.

4. Positive Local Intent

The Respondent emphasizes plans to benefit local tourism and employment. While commendable, good intentions do not negate bad faith where evidence shows targeting of another party’s established rights. ADRP focuses on conduct, not motive.

5. Descriptive Nature of Name

The Respondent argues that “Tranquility” and “Ireland” are common descriptive words. While true, generic status does not justify registration and use that creates confusion or exploits goodwill. UDRP panels have repeatedly held that descriptive terms cannot be used as a shield for bad faith conduct (WIPO Overview 3.0, §2.10), and the same principle applies in this case, as confirmed in *Distinct.ie* (Case 670).

.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE

6. Delay in Complaint

The Respondent contends that the six-year delay undermines the claim of bad faith. However, UDRP panels consistently reject laches as a defense; delay does not cure abusive registration or bad faith use. The same principle applies here.

Final Determination

Although the words “Tranquility Ireland” are generic and descriptive, the Respondent’s conduct—passive holding, subsequent activation coinciding with the Complainant’s success, and copying of website design—demonstrates abusive registration and bad faith use under ADRP §4.1(C). The Complainant has met all three criteria under ADRP §4.1, and the appropriate remedy is transfer of the domain name tranquilityireland.ie to the Complainant.

7. Decision

The domain name shall be transferred to the Complainant.

Signed:



Dated: 15 November 2025