

ADMINISTRATIVE PANEL DECISION

Jacques Bermon Webster II also known as Travis Scott and LaFlame Enterprises, Inc. v. Saboor Khalid
Case No. D2022-3966

1. The Parties

Complainant is Jacques Bermon Webster II also known as Travis Scott and LaFlame Enterprises, Inc., United States of America (“United States”), represented by Kia Kamran P.C., United States.

Respondent is, Saboor Khalid, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <treviscott.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 21, 2022. On October 24, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. The Complaint was initially filed against five disputed domain names. On October 27, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name, which differed from the named Respondent (Privacy service provided by Withheld for Privacy ehf, Iceland, United States) and contact information in the Complaint.

The Center sent an email communication to Complainant on October 27, 2022, providing the registrant and contact information disclosed by the Registrar and requesting consolidation arguments, and inviting Complainant to submit an amended Complaint. Complainant filed an amended Complaint on November 1, 2022 regarding the disputed domain name <treviscott.com> and withdrew the four disputed domain names.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on November 14, 2022. In accordance with the Rules, paragraph 5, the

due date for Response was December 4, 2022. On November 2, 2022, as well as on December 3, 2022, Respondent sent email communications to the Center, but did not submit any formal response. Accordingly, the Center notified the Commencement of Panel Appointment on December 7, 2022.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on December 14, 2022. 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 the Rules, paragraph 7.

4. Factual Background

Complainant is a recording artist residing in the United States who is active in the music and entertainment industry, and also provides fashion goods branded TRAVIS SCOTT.

Complainant has produced evidence that it is the registered owner of various trademarks relating to its artist name TRAVIS SCOTT, *inter alia*, but not limited to the following:

- word mark TRAVIS SCOTT, United States registration number: 5,918,744, registration date: November 26, 2019, status: active;
- word mark TRAVIS SCOTT, United States , registration number: 6,366,019, registration date: May 25, 2021, status: active.

Respondent, according to the disclosed Whois information for the disputed domain name, is a resident of Pakistan who registered the disputed domain name on April 18, 2022. The latter redirects to a website at "www.trevisscott.com" that prominently displays Complainant's TRAVIS SCOTT trademark in a stylized manner and offers what appears to be counterfeit TRAVIS SCOTT fashion products.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that he is an internationally famous artist and that ever since 2009 he has established worldwide fame and value in his trademark and name TRAVIS SCOTT.

Complainant submits that the disputed domain name is at least confusingly similar to its TRAVIS SCOTT trademark, as it shows clear resemblance to the latter, and the mere substitution of the letter "a" with the letter "e" in the disputed domain name is not sufficient to change the visual similarity between the two. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent is not an authorized licensee or seller of Complainant's merchandise and all products on Respondent's website under the disputed domain name are mere bootleg copies of Complainant's original merchandise, and (2) Respondent prominently offers and displays for sale goods that bear several of Complainant's registered marks such as TRAVIS SCOTT, and Respondent's use of the disputed domain name is undoubtedly intended to divert consumers to Respondent's website for commercial gain. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) Respondent has deliberately registered a well-known trademark as its disputed domain name and intended to target and financially benefit from the value in Complainant's TRAVIS SCOTT trademark, and (2) the use of the disputed domain name is clearly intended to misdirect consumers to Respondent's website and inducing them into believing that Respondent's counterfeit products, which are offered at much lower prices than those which are sold by Complainant and its distributors, are associated with or authorized by Complainant.

B. Respondent

Respondent did not formally reply to Complainant's contentions, but sent various email communications to the Center, e.g. on November 2, 2022, confirming that Respondent was the only owner of the disputed domain name and indicating that Respondent was willing to whatever do to satisfy Complainant, as well as on December 3, 2022, offering to settle the dispute with Complainant for a compensation.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

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

Respondent's formal default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a response as it considers appropriate.

6.1. Consolidation of Complainants

Complainant Jacques Webster (known as Travis Scott) owns the company LaFlame Enterprises Inc., which is the trademark owner of TRAVIS SCOTT. Therefore, the Panel considers that Complainants have a common grievance against Respondent and have a common legal interest in the trademark rights that are affected by Respondent's conduct. This consolidation is equitable and procedurally efficient. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.

6.2. On the merits

A. Identical or Confusingly Similar

The Panel concludes that the disputed domain name <treviscott.com> is confusingly similar to the TRAVIS SCOTT trademark in which Complainant has rights.

The disputed domain name incorporates the TRAVIS SCOTT trademark almost in its entirety, the only difference being a misspelling caused by exchanging the letter "a" for the letter "e". Numerous UDRP panels have recognized that where a domain name incorporates a trademark in its entirety, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that trademark (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7). Moreover, the fact that the disputed domain name obviously includes an intentional misspelling of Complainant's TRAVIS SCOTT trademark is not at all inconsistent with such finding of confusing similarity. Typo-squatted domain names are, on the contrary, intended to be confusing so that Internet users, who unwittingly make common type errors, will enter the typo-squatted domain name instead of the correct spelled trademark (see e.g., *National Association of Professional Baseball Leagues, Inc, d/b/a Minor League Baseball v. John Zuccarini*, WIPO Case No. [D2002-1011](#)). Accordingly, UDRP panels agree that domain names which consist e.g. of an intentional misspelling of a trademark are considered to be confusingly similar under the UDRP (see [WIPO Overview 3.0](#), section 1.9).

Therefore, Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Panel is further convinced on the basis of Complainant's undisputed contentions that Respondent has not made use of the disputed domain name in connection with a *bona fide* offering of goods or services, nor has Respondent been commonly known by the disputed domain name, nor can it be found that Respondent has made a legitimate noncommercial or fair use thereof without intent for commercial gain.

Respondent has not been authorized to use Complainant's TRAVIS SCOTT trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the names "Travis Scott" and/or "Trevis Scott" on its own. To the contrary, the disputed domain name resolves to a website "www.trevisscott.com" that prominently displays Complainant's TRAVIS SCOTT trademark in a stylized manner and offers counterfeit TRAVIS SCOTT fashion products. Such making use of the disputed domain name obviously neither qualifies as a *bona fide* offering of goods or services nor as using the disputed domain name for a legitimate, noncommercial or fair purpose.

Accordingly, Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in respect of the disputed domain name. Having done so, the burden of production shifts to Respondent to come forward with appropriate evidence demonstrating rights or legitimate interests (see [WIPO Overview 3.0](#), section 2.1). Given that Respondent has neither filed a formal response nor has brought anything forward of substance (e.g. in its email communications with the Center) to support his position, he has not met that burden.

Therefore, the Panel finds that Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

C. Registered and Used in Bad Faith

The Panel finally holds that the disputed domain name was registered and is being used by Respondent in bad faith.

Resolving the disputed domain name, which includes Complainant's undisputedly well-known TRAVIS SCOTT trademark in a typo-squatted version, to a website offering apparently unlawful counterfeit fashion products offered under Complainant's TRAVIS SCOTT trademark, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to his own website by creating a likelihood of confusing with Complainant's TRAVIS SCOTT trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Therefore, the Panel concludes that Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <trevisscott.com> be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: December 22, 2022