

ADMINISTRATIVE PANEL DECISION

CWI, LLC v. Dmitry Bogutskii
Case No. D2023-5284

1. The Parties

The Complainant is CWI, LLC, United States of America (“United States”), represented by Neal & McDevitt, United States.

The Respondent is Dmitry Bogutskii, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <gocampingworld.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 December 19, 2023. On December 20, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 20, 2023, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 27, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on December 27, 2023.

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 the Respondent of the Complaint, and the proceedings commenced on January 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 22, 2024. The Respondent sent email communications to the Center on January 3, 2024, and January 8, 2024.

The Center appointed Kaya Köklü as the sole panelist in this matter on February 12, 2024. 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. Further Procedural Considerations

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

Since the Respondent's is reportedly located in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes that the Complaint was successfully delivered to the Respondent's email address provided by the Registrar, and moreover that the disputed domain name was registered (and used) recently – showing a clear ability to communicate and engage online.

The Panel also notes that the Complainant has specified in the Complaint that any challenge made by the Respondent to any decision to transfer or cancel the disputed domain name shall be referred to the jurisdiction of the courts of the location of the principal office of the concerned registrar. In this case, the principal office of the Registrar, NameCheap, Inc. is in the United States.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel believes that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademark and misleading consumers.

The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding should take place with due expedition the Panel will proceed to a Decision accordingly.

5. Factual Background

The Complainant is based in the United States and operates a widely known network of recreational vehicles and outdoor equipment, such as tents and camping accessories. Via its online presence, the Complainant also reaches customers internationally. The Complainant further operates a network of service centers for recreational vehicles all over the United States and employs more than 12,000 employees to serve its over 4 million customers.

The Complainant has been providing its goods and services since at least 1968 under its trademark CAMPING WORLD. The Complainant is, among others, the owner of the United States Trademark Registration No. 930,179, registered on February 29, 1972, for CAMPING WORLD, covering protection for the sale of camping equipment, recreational vehicles and supplies as protected in class 1.

The Complainant further owns and operates its CAMPING WORLD trademark in various domain names, such as <www.campingworld.com>.

The Respondent is reportedly located in Ukraine.

The disputed domain name was registered on November 14, 2023.

Screenshots, as provided by the Complainant, show that the disputed domain name resolved to a website in English language providing various blog articles on camping topics, but also purportedly offering an online shop for customers in the United States in USD for camping articles such as tents (Annex 5 to the Complaint). On the associated website, the headline “go camping world” was used in highlighted form together with shopping links to other websites.

At the time of the Decision, the disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. However, the Center received email communications from the Respondent on January 3 and 8, 2024.

In its first email communication of January 3, 2024, the Respondent asserted that he was not aware of the Complainant and its trademark, but is prepared to transfer the disputed domain name to the Complainant in return of a payment of USD 15.

However, in a second email communication of January 8, 2024, he stated that he does not want to sell the disputed domain name anymore. Instead, he alleged that the disputed “domain and website is not related to campingworld.com trademark” and that he did not purchase it “to receive traffic from campingworld.com”. Further, he disputed to have a store on his website associated to the disputed domain name and invited the Complainant to “offer a price that [he] will consider” for a transfer.

6. Discussion and Findings

According to paragraphs 14 and 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable and on the basis of the Complaint where no substantive response has been submitted.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not substantively replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning any uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. [WIPO Overview 3.0](#), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of the CAMPING WORLD trademark mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "go", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

In assessing possible rights or legitimate interests of the Respondent in using the disputed domain name, the Panel notes that the Complainant's CAMPING WORLD trademark comprises two dictionary words that appear to be descriptive of the Complainant's business. Each of the terms is not particularly distinctive inherently. However, the Panel notes that the Complainant presented undisputed evidence that its CAMPING WORLD trademark has acquired significant distinctiveness and reputation in the camping market since its first use in 1968, particularly proven by 12,000 employees and more than 4 million served customers under its CAMPING WORLD network. Furthermore, it has not been rebutted by the Respondent that the Complainant is one of the largest networks in the United States for camping related products and services.

Thus, the Panel accepts that the Complainant has sufficiently shown its reputation and the extent of its business under its CAMPING WORLD trademark since many decades.

Against this background, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Panel further notes that the nature of the disputed domain name, comprising the entirety of the Complainant's CAMPING WORLD trademark (plus the term "go"), as well as the provided online shop linked to the disputed domain name offering camping articles such as tents, to customers in the United States indicates the Respondent's

awareness of the Complainant and its CAMPING WORLD trademark and his intent to take unfair advantage of such, which does not support a finding of any rights or legitimate interests.

The Respondent has in return not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. The Respondent's brief and unsubstantiated allegation in its email communications to the Center that he does not operate an online shop for camping articles on his website linked to the disputed domain name has been refuted by the Complainant with the submission of screenshots proving the opposite (Annex 5 to the Complaint). Bearing also in mind that the Respondent's online shop for camping tents provides for product descriptions in English and prices in USD while the Respondent is reportedly located in Ukraine, the Panel assesses the Respondent's unfounded allegation that he was not aware of the Complainant and his CAMPING WORLD as a self-serving assertion lacking in credibility.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

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, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, and in light of the findings above, the Panel believes that the Respondent had the Complainant and its CAMPING WORLD trademark in mind when registering the disputed domain name. It is obvious to the Panel, that the Respondent has deliberately chosen the disputed domain name, which comprises the entirety of the Complainant's CAMPING WORLD trademark, to target the Complainant and to generate traffic to its own website. Also, in light of the findings on the second element, the Panel is convinced that the Respondent has registered the disputed domain name in bad faith.

As regards bad faith use, the overall content and design of the associated website targeting customers in the United States, including the prominent use of the Complainant's CAMPING WORLD trademark, as well as the inherently misleading nature of the disputed domain name is, in view of the Panel, sufficient evidence that the Respondent intentionally tried to attract Internet users to his website by creating a likelihood of confusion with the Complainant.

As already indicated above, the Respondent's brief and unsubstantiated allegation that he was not aware of the Complainant, is assessed by the Panel as a self-serving assertion only. His allegation not to operate an online shop for camping articles on his website linked to the disputed domain name has even been disproved by screenshots provided by the Complainant (Annex 5 to the Complaint).

The fact that the disputed domain name currently no longer resolves to an active website does not prevent a finding of bad faith – it may even be taken as evidence of the Respondent trying to “hide his tracks”.

The Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

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 <gocampingworld.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: February 26, 2024