

## **ADMINISTRATIVE PANEL DECISION**

CWI, INC. v. Privacy service provided by Withheld for Privacy ehf / Noria Bekri

Case No. D2022-1507

### **1. The Parties**

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

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / Noria Bekri, Algeria.

### **2. The Domain Name and Registrar**

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 26, 2022. On April 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 6, 2022 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 May 16, 2022.

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 May 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 13, 2022.

The Center appointed Luca Barbero as the sole panelist in this matter on June 24, 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**

The Complainant operates one of the United States' largest networks of recreational vehicle ("RV") sales, RV equipment and accessories, and RV service centers under the trademark CAMPING WORLD.

Since the company's inception in the mid-1960s, the Complainant has grown to over 190 Camping World retail and service locations in North America, currently serving more than 4 million customers.

The Complainant is the owner of several trademark registrations for CAMPING WORLD, including the following, as per trademark certificates submitted as annexes to the Complaint:

- United States trademark Registration No. 4536315 for CAMPING WORLD (figurative mark), filed on July 17, 2013, and registered on May 27, 2014, in international classes 35 and 37;
- United States trademark Registration No. 4536313 for CAMPING WORLD (word mark), filed on July 17, 2013, and registered on May 27, 2014, in international classes 35 and 37;
- United States trademark Registration No. 4532411 for CAMPING WORLD (figurative mark), filed on July 17, 2013, and registered on May 20, 2014, in international classes 35 and 37;
- United States trademark Registration No. 0930179 for CAMPING WORLD (word mark), filed on December 19, 1969, and registered on February 29, 1972, in international class 42.

The Complainant is also the owner of the domain name <campingworld.com> registered on May 27, 1996, used by the Complainant to promote its services under the trademark CAMPING WORLD.

The disputed domain name <campingworld.online> was registered on January 6, 2022 and is pointed to a website promoting camping gear and outdoor recreational products, displaying links to internal pages of the website "www.amazon.com" where such products are advertised and offered for sale. The website includes in the left side of its heading a logo including the wording "camping world" and does not contain any information about the owner of the website or that of the disputed domain name, or any contact details (beyond an email address).

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical to the trademark CAMPING WORLD in which the Complainant has rights, as it reproduces the trademark in its entirety with the mere addition of the generic Top-Level Domain ("gTLD") ".online".

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant states that, based on the information displayed in the WhoIs records and on the website to which the disputed domain name resolves, the Respondent is not commonly known by the disputed domain name or a name corresponding to the disputed domain name.

The Complainant also states that the Respondent has not granted permission, in any form, to register and/or use the disputed domain name or the trademark CAMPING WORLD for any purpose and especially not in connection with a competing online retail store.

The Complainant further submits that the Respondent is not authorized to use the trademark CAMPING WORLD and asserts that the Respondent may have intentionally impersonated the Complainant in an attempt to profit of the Complainant's world renown and mislead consumers into thinking that the disputed domain name is operated or affiliated with the Complainant.

Moreover, the Complainant contends that the Respondent can in no way claim that the disputed domain name corresponds to a *bona fide* offering of goods or services, since it appears that the Respondent's attempt was to trade off the Complainant's trademark CAMPING WORLD in order to operate a competing online retail store for the Respondent's personal gain.

Lastly, the Complainant points out that the lack of information about the website operator on the website to which the disputed domain name resolves combined with the Respondent's use of the disputed domain name that exactly reproduces the Complainant's trademark demonstrates the Respondent's intent to trade off the Complainant's trademark.

With reference to the circumstances evidencing bad faith, the Complainant claims that, considering its trademark CAMPING WORLD is famous in its field, particularly in North America, and that the Complainant has a strong Internet presence, it is unlikely that the Respondent could not have been aware of the Complainant and its trademark at the time of registering the disputed domain name.

The Complainant emphasizes that, in view of the above, the Respondent acted in opportunistic bad faith, as Internet users could easily associate the disputed domain name to the Complainant's official website. In view of the content displayed on the website at the disputed domain name, the Complainant submits that the Respondent is clearly attempting to impersonate the Complainant to attract Internet users to its website by creating a likelihood of confusion with the Complainant, thus further evidencing the Respondent's bad faith.

In addition, the Complainant contends that registration of a domain name that is confusingly similar to a well-known trademark by an entity that has no relationship with the trademark itself is evidence of bad faith registration and use.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the 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.

### **A. Identical or Confusingly Similar**

The Panel finds that the Complainant has established rights over the trademark CAMPING WORLD based on the trademark registrations cited under section 4 above and the related trademark certificates submitted as annex D to the Complaint.

As highlighted in section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the first element functions primarily as a standing requirement, and the threshold test for confusing similarity typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

In the case at hand, the Complainant's trademark CAMPING WORLD is entirely reproduced in the disputed domain name, with the mere addition of the Top-Level Domain ".online", which is commonly disregarded under the first element confusing similarity test (section 1.11.1 of the [WIPO Overview 3.0](#)).

Therefore, the Panel finds that the Complainant has proven that the disputed domain name is identical to a trademark in which the Complainant has established rights according to paragraph 4(a)(i) of the Policy.

## **B. Rights or Legitimate Interests**

It is well established that the burden of proof lies on the complainant. However, satisfying the burden of proving a lack of the respondent's rights or legitimate interests in respect of the domain name according to paragraph 4(a)(ii) of the Policy is potentially onerous, since proving a negative can be difficult considering such information is often primarily within the knowledge or control of the respondent.

Accordingly, in line with previous UDRP decisions, it is sufficient that the complainant show a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name in order to shift the burden of production to the respondent. If the respondent fails to demonstrate rights or legitimate interests in the disputed domain name in accordance with paragraph 4(c) of the Policy or on any other basis, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy

In the case at hand, by not submitting a Response, the Respondent has failed to invoke any circumstance that could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in the disputed domain name.

The Panel notes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's trademark.

Moreover, there is no element from which the Panel could infer a Respondent's right over the disputed domain name, or that the Respondent, according to the name disclosed by the Registrar, might be commonly known by the disputed domain name.

Previous panels have recognized that registering a domain name comprised of a dictionary word or phrase may confer rights or legitimate interests on the respondent, when the domain name is not used to trade off third-party trademark rights. See section 2.10 of the [WIPO Overview 3.0](#).

In the present case, the Panel notes that the disputed domain name resolves to a website that promotes and offers for sale, via various links to the <amazon.com> platform, products which compete with the Complainant's products.

Whilst the products promoted on the Respondent's website are related to the meaning of the term "camping", the circumstances of this case lead the Panel to infer that, on balance of probabilities, the Respondent intended to trade off the Complainant's prior rights, namely i) the registration and use of a domain name that is identical to the Complainant's well-known trademark CAMPING WORLD and its main domain name <campingworld.com>, ii) the fact that a logo similar to the Complainant's figurative marks is published on the Respondent's website, and iii) the lack of any information in the Respondent's website about the owner of the site or that of the disputed domain name (moreover the mere redirection to Amazon.com pages).

Moreover, the disputed domain name incorporates the trademark CAMPING WORLD in its entirety, adding only the gTLD “.online”, thus generating a risk of implied affiliation with the Complainant and its trademark. See, along these lines, *CWI, Inc. v. Jaehun Song*, WIPO Case No. [D2022-0233](#).

In view of the above-described use of the disputed domain name, the Panel finds that the Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services or a legitimate noncommercial or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademark.

In light of the foregoing and in the absence of a Response, the Panel finds that the Complainant has proven that the Respondent has no rights or legitimate interests in the disputed domain name according to paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy requires that the Complainant prove that the disputed domain name was registered and is being used by the Respondent in bad faith.

As to bad faith at the time of the registration, the Panel notes that, in light of the prior registration and use of the Complainant’s trademark CAMPING WORLD in connection with the Complainant’s products and services, including online via the Complainant’s website “www.campingworld.com” since at least 1997, the Respondent was or ought to be aware of the Complainant’s trademark, also in light of the fact that a simple web search for the terms “camping world” on search engines would have revealed the existence of such trademark.

Moreover, the circumstance that the disputed domain name, identical to the Complainant’s trademark and its main domain name <campingworld.com>, has been pointed to a website related to camping and promoting products in this market sector, including via links to competing products sold on the <amazon.com> platform, supports the conclusion that the Respondent, being active in this field, was indeed aware of the Complainant and its trademark in attempt to exploit the goodwill of the Complainant and of its trademark. See, along these lines, *CWI, Inc. v. Jaehun Song*, WIPO Case No. [D2022-0233](#) and *CWI, Inc. v. Registration Private, Domains by Proxy, LLC / Matthew Dunlop*, WIPO Case No. [D2020-0792](#).

In view of the above and in absence of any evidence to the contrary since the Respondent has failed to reply to the Complainant’s contentions, the Panel finds that the Respondent was more likely than not aware of the Complainant’s trademark CAMPING WORLD and of its reputation and goodwill, at the time of registration of the disputed domain name.

Given the circumstances of the case, the Panel finds that that the Respondent has registered and used the disputed domain name in order to intentionally attempt to attract Internet users to its website for commercial gain, by causing a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of its website according to paragraph 4(b)(iv) of the Policy.

Therefore, the Panel finds that, the Complainant has also proven that, on balance of probabilities, the Respondent registered and has been using the disputed domain name in bad faith according to paragraph 4(a)(iii) 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, <campingworld.online> be transferred to the Complainant.

*/Luca Barbero/*

**Luca Barbero**

Sole Panelist

Date: July 8, 2022