

ADMINISTRATIVE PANEL DECISION

priceline.com LLC v. BRYN YOUNGBLUT, Moneasy Inc.
Case No. D2023-3784

1. The Parties

The Complainant is priceline.com LLC, United States of America, represented by Bryan Cave Leighton Paisner, United States of America (“United States”).

The Respondent is BRYN YOUNGBLUT, Moneasy Inc., United States.

2. The Domain Name and Registrar

The disputed domain name <www.priceline.com> is registered with Above.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 11, 2023. On September 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 26, 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 (Unidentified Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 26, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant requested to add the Registrar-provided information to the Complaint on September 27, 2023.

The Center verified that the Complaint together with the amendment to the 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 September 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 18, 2023.

The Center appointed Angela Fox as the sole panelist in this matter on October 23, 2023. 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 is a well-known provider of online travel booking and travel agency services. It is based in the United States but carries out its activities worldwide. It has been providing its services under the name and trademark PRICELINE since at least as early as 1999, including through its primary website at "www.priceline.com". Its business is substantial; since launching in 1997, the Complainant has sold more than 100 million plane tickets, and on average, sells 2.5 million hotel room nights every month.

The Complainant owns a number of trademark registrations for PRICELINE and variations thereof in the United States and in other countries around the world. Annexed to the Complaint were details of the following:

- PRICELINE (U.S. Registration No. 2,272,659), registered on August 24, 1999, for use with goods and services in International Classes 39 and 42, including "travel agency services, namely, providing and relaying information and securing payment in connection with transportation reservations and bookings by means of a computer network";
- PRICELINE.COM (U.S. Registration No. 2,481,112), registered on August 28, 2001, for use with "travel agency services, namely, making reservations and bookings for transportation; providing information in connection with transportation bookings by electronic means, namely via a computer" in International Class 39, and "making reservations and bookings for temporary lodging; providing information in connection with temporary lodging bookings by electronic means, namely by computer," and related services in International Class 42;
- PRICELINE (U.S. Registration No. 4,364,775), registered on July 9, 2013, for use with numerous goods and services in International Classes 9 and 35, including "downloadable software in the nature of mobile applications for making reservations and bookings for transportation and travel" and "advertising, marketing, and promotional services for the transportation, travel, airline, hotel, and resort industries";
- PRICELINE (U.S. Registration No. 5,525,670), registered on July 24, 2018, for use with numerous goods and services in International Class 36, including "providing information about insurance in the fields of travel, transportation, flights, temporary lodging and accommodations, hotels, resorts, trips, vacations, motor vehicles, automobiles and rental cars"; and
- PRICELINE (Stylized) (U.S. Registration No. 5,642,316), registered on January 1, 2019, for use with numerous goods and services related to mobile reservations and bookings and travel agency services in International Classes 9, 35, 36, 39, and 43.

The disputed domain name was registered on August 15, 2023. Annexed to the Complaint was a screenshot showing that the disputed domain name has been redirecting to a page which asks visitors to enter a code from an image to confirm that they are not a robot.

5. Parties' Contentions

A. Complainant

The Complainant submits that the disputed domain name is confusingly similar to the Complainant's PRICELINE trademark because it incorporates that trademark in its entirety.

The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized by the Complainant to use the disputed domain name, and there is no indication that the Respondent is known by a name corresponding to the disputed domain name. The disputed domain name wholly incorporates the Complainant's PRICELINE trademark and the Complainant submits that it is being used to lure consumers to the Respondent's website for commercial gain. The Complainant submits that the Respondent adopted and has been using the disputed domain name in order to illegally trade upon the Complainant's goodwill to confuse, mislead, deceive and divert customers, and to intentionally tarnish and dilute the Complainant's valuable and well-known PRICELINE trademark. The Complainant argues that PRICELINE is an invented word, and third parties would not legitimately choose this name unless seeking to create an impression of an association with the Complainant.

Finally, the Complainant submits that the Respondent registered and has used the disputed domain name in bad faith. The Complainant argues that the Respondent plainly knew or had reason to know of the Complainant's PRICELINE mark and business, and that the disputed domain name is plainly designed to trade on the reputation and goodwill of the Complainant's famous PRICELINE trademark for financial gain, by diverting Internet users away from the Complainant's primary website at "www.priceline.com" and toward the Respondent's website. The Complainant submits, moreover, that the disputed domain name is a classic case of "typosquatting", and is intended to draw in Internet users who mistype the Complainant's website address by omitting the full stop before the generic Top-Level Domain ("gTLD") ".com".

B. Respondent

The Respondent did not reply to the Complainant's contentions and is in default. No exceptional circumstances explaining the default have been put forward. Therefore, in accordance with paragraphs 14 (a) and (b) of the Rules, the Panel will decide the Complaint and shall draw such inferences as it considers appropriate from the Respondent's default.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds that:

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

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

A. Identical or Confusingly Similar

The Complainant has proved that it owns registered trademark rights in PRICELINE.

The disputed domain name incorporates the Complainant's PRICELINE trademark in its entirety, adding only the prefix "www" and the suffix "com" before the generic TLD ".com".

Under section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("the WIPO Overview"), "in cases where a domain name incorporates the entirety of a trademark, 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 mark for purposes of UDRP standing."

Moreover, as noted in [WIPO Overview 3.0](#) section. 1.11.1, the gTLD is a standard registration requirement and as such is typically disregarded under the first element test of confusing similarity.

The Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The first element has been established.

B. Rights or Legitimate Interests

The burden of proving absence of rights or legitimate interests in a domain name falls on complainants, but panels have long recognized that the information needed to prove such rights or legitimate interests is normally in the possession of respondents.

In order to avoid requiring complainants to prove a negative, which may be impossible, UDRP panels have typically accepted that once a complainant has established a prima facie case that a respondent lacks rights or legitimate interests, the respondent carries the burden of proving that it does indeed have such rights or interests (see, inter alia, *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#)).

In the present case, the Complainant has put forward a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not authorized the Respondent to use the disputed domain name, nor is there any evidence that the Respondent has ever been commonly known by it. The Respondent has not come forward with relevant evidence to show that it has rights or legitimate interests in the disputed domain name.

The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The second element has been established.

C. Registered and Used in Bad Faith

The Complainant has shown that its PRICELINE mark has been in use since at least 1999 in respect of a substantial business in the field of online travel services. The Respondent is based in the United States, where the Complainant is also based and trades, and it seems very likely that the Respondent will have been aware of the Complainant when it registered the disputed domain name which is an indication of bad faith. PRICELINE is a word coined by the Complainant for its business, and the close similarity between the disputed domain name and the address of the Complainant's primary website strongly suggests that in registering the disputed domain name, the Respondent was deliberately setting out to confuse Internet users and to divert them away from the Complainant's website, and to that of the Respondent.

The Panel agrees that the disputed domain name appears to be a deliberate instance of typosquatting, in which the Respondent appears to be intentionally seeking to attract Internet users looking for the Complainant's website, who inadvertently omit the full stop before the gTLD ".com" when typing the Complainant's primary website address into a browser bar.

It is unclear from the Complaint and the annexes to the Complaint what if any substantive content has been displayed on the Respondent's website. The Complaint annexed a screenshot showing that the disputed domain name has been redirecting to a page which asks visitors to enter a code from an image to confirm that they are not a robot, but it is not clear what content a visitor would see once that code has been entered. The Complainant says that the disputed domain name has been used as "bait" to attract customers to the Respondent's sites. .

Notwithstanding that, it is at least apparent that the Respondent has been making some form of use of the disputed domain name, and taking the nature of the disputed domain name into account, it is implausible that the Respondent was not aware of the Complainant and its PRICELINE trademark when the disputed domain name was registered. In light of this, the Panel concludes that it is more likely than not that the Respondent was targeting the Complainant in registering and using the disputed domain name, and it is difficult to conceive of any good faith use to which the disputed domain name – which uses the brand in between a "www" and a "com" without the usual dots – could be put.

The Panel finds that the disputed domain name was registered and has been used in bad faith. The third element has been established.

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, <www.priceline.com>, be transferred to the Complainant.

/Angela Fox/

Angela Fox

Sole Panelist

Date: November 17, 2023