

ADMINISTRATIVE PANEL DECISION

Travellers Exchange Corporation Limited v. Erol Basar
Case No. D2023-4023

1. The Parties

The Complainant is Travellers Exchange Corporation Limited, United Kingdom, represented by Deloitte LLP, United Kingdom.

The Respondent is Erol Basar, Türkiye, represented by Archer Softech, India.

2. The Domain Name and Registrar

The disputed domain name <travelx.net> is registered with DropCatch.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 26, 2023. On the following day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 28, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 October 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2023. The Respondent sent an email communication to the Center on October 7, 2023, and the Response was filed with the Center on October 20, 2023. The Center sent an acknowledgement of receipt of Response on October 30, 2023.

The Center appointed Matthew Kennedy as the sole panelist in this matter on November 15, 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 part of the Travelex group of companies, which operates a foreign exchange business in 60 countries, with over 1,000 retail stores and over 900 ATMs. The Complainant also provides money transfer services, VAT refunds, a mobile foreign exchange platform, and other services. The group has operated since 1976 and provided services to 39 million customers globally in 2019, but fewer in 2020 and 2021 due to the COVID-19 pandemic. The Complainant holds trademark registrations for TRAVELEX in multiple jurisdictions, including the following:

- United Kingdom trademark registration number 1343462, registered on September 20, 1991, specifying services in class 36;
- United States trademark registration number 1694803, registered on June 16, 1992, with a claim of first use in commerce on April 17, 1989, specifying services in class 36; and
- Türkiye trademark registration number 1014563, registered on July 30, 2009.

The above trademark registrations are current. The Complainant has widely advertised its goods and services under the TRAVELEX mark throughout the world, including to the public through print media, billboards, television, and on the Internet. The Complainant engages in significant sponsorship activity under the TRAVELEX mark. The Complainant has also registered multiple domain names. An affiliate of the Complainant registered the domain name <travelex.com> on March 9, 1996, which the Complainant now uses to redirect to <travelex.co.uk> that resolves to its main website. That website prominently displays the TRAVELEX mark, offers currency for sale, including Turkish lira, and provides links to the Complainant's international websites. The Complainant also operates social media accounts.

The Respondent is an information technology professional and domain name investor based in Istanbul, Türkiye. He registered the disputed domain name on April 13, 2023 for the sum of USD 28. The disputed domain name resolves to a webpage hosted by a domain name broker that offers the disputed domain name for sale. Internet users can "buy now" for USD 99,999 or make an offer.

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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its TRAVELEX mark. The Complainant claims unregistered rights as well as registered rights in that mark. The disputed domain name is no more than a misspelling of that mark. The TRAVELEX mark is not a generic or commonplace word with an independent or recognized meaning. Instead, it is only used by and associated with the Complainant's business and services. The combination of the "ex" with the word "travel" gives rise to a distinctive word and sound, which reflects the Complainant's corporate name and has conceptual links to the "exchange" of currency for travel purposes. It follows that any trademark or sign which similarly adopts a combination of the letter "x" at the end of the word "travel" will call to mind the TRAVELEX mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not know the Respondent. The Complainant has not licensed or otherwise given any third parties permission to use its TRAVELEX mark as part of a domain name. The Respondent must have been aware of that mark when he registered the disputed domain name, more than four decades after the Complainant's first use of the mark. The Complainant is the first natural Google search result when the TRAVELEX mark is used as the search term, followed by Wikipedia pages about the Complainant and its business. Manifestly, the Complainant's significant and long-term use of the TRAVELEX mark has meant

that the general public know and recognize the mark and associate it with the Complainant, its group, and their businesses and services. The Respondent seeks to use the disputed domain name's connection with the TRAVELEX brand as a means of enticing a sale, either to the Complainant or to a competitor of the Complainant. The price is so high as to indicate that the Respondent is seeking to benefit materially from any such sale.

B. Respondent

The Respondent denies that the Complainant has satisfied the elements required under the Policy. He acquired the disputed domain name purely because it is composed of a highly common word "travel" combined with the letter "x", which is supposed to indicate "Unknown". The disputed domain name implies travel to an unknown destination and is commonly used by travel businesses globally. The disputed domain name is not similar to the Complainant's domain name, <travelex.com>, as the latter has been formed by suffixing "ex" from the word "exchange" (in relation to the financial/foreign exchange services rendered by the Complainant). The Respondent bought the disputed domain name, without having any knowledge of the Complainant or its TRAVELEX trademark and never used the disputed domain name to target the Complainant in any manner. Other companies use "travelx" in their domain names and all are involved in the travel business. Moreover, with Twitter recently rebranding as "X" and Elon Musk having more brands ending with "x", any brand/domain name with the ending letter "x" is highly valuable. There are numerous businesses that have branded themselves with the letter "x", for example, SpaceX.com, FoodX.com, DomainX.org, TravelX.io, ComputerX.in and so on.

Where the Respondent registers a domain name consisting of a common/descriptive term because he has a good faith belief that the domain name's value derives from its common qualities rather than its specific trademark value, the use of the domain name consistent with such good faith belief would establish a legitimate interest. The business of domain name investment gives rise to rights or legitimate interests as a bona fide offering of goods or services for the purposes of the Policy. "TRAVELX" is in wide third party use and similar domain names are on sale. The Respondent has amply demonstrated a credible and legitimate intent in registering the disputed domain name corresponding to a commonly used combination.

The Complainant did not deliberately elaborate as to how was it possible for the Turkish Respondent to have known of the TRAVELEX trademark, because a search for "TravelX" in the Turkish trademark database will never return results for the Complainant's trademark; and even a simple Google search from Türkiye does not provide any reference to the Complainant or its mark in the top 20 results. There is simply no reason to believe that the disputed domain name was registered because of the unknown Complainant or its unknown trademark. It is denied that the disputed domain name will cause any confusion for the Complainant's customers and partners even if sold, as similar domain names are already in wide use in the travel industry. There is no evidence that the primary purpose of the Respondent in registering the disputed domain name was to sell to the unknown Complainant. Rather, the fact is that the Respondent never once solicited the Complainant or otherwise targeted its trademark since its registration. In any event, the general offer to sell the disputed domain name and the price demanded by the registrant does not help the Complainant's case at all in the facts and circumstances of this case. There is no evidence whatsoever of trading off the goodwill of the Complainant.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements:

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

The burden of proof of each condition is borne by the Complainant. Failure to prove any element will result in denial of the Complaint.

A. Identical or Confusingly Similar

Based on the evidence presented, the Panel finds that the Complainant has rights in the TRAVELEX mark.

The disputed domain name incorporates almost the entirety of the TRAVELEX mark, omitting only the second “e”. It is visually very similar to the mark. Given that the “x” can still be pronounced “ex”, the disputed domain name is also aurally identical to the mark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7.

The only additional element in the disputed domain name is a generic Top-Level Domain (“gTLD”) extension “.net” which, as a standard requirement of domain name registration, may be disregarded in the comparison between the disputed domain name and the TRAVELEX mark. See [WIPO Overview 3.0](#), section 1.11.

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The Complainant has satisfied the first element in paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

Given the Panel’s findings under the third element of paragraph 4(a) of the Policy, it is unnecessary to consider the second element.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy contains two conjunctive requirements. These require the Complainant to demonstrate both that the disputed domain name has been registered in bad faith and also that the disputed domain name is being used in bad faith. Paragraph 4(b) of the Policy provides that certain circumstances shall be evidence of the registration and use of a domain name in bad faith, but these are not an exhaustive list. The first of these is as follows:

(i) circumstances indicating that the Respondent has registered or the Respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the Respondent’s documented out-of-pocket costs directly related to the domain name.

In the present case, it is agreed that the Respondent registered the disputed domain name for the purpose of offering it for sale at a profit. However, it is well settled that the registration of a domain name in order to sell it to a third party is not a violation per se of the Policy, provided that the Respondent is not seeking to capitalize on the goodwill created by the trademark owner. See, for example, *5B Investments, Inc. v. RareNames, WebReg*, WIPO Case No. [D2008-0146](#).

The disputed domain name was registered in 2023, years after the registration of the Complainant’s TRAVELEX mark, including in Türkiye, where the Respondent is based. The Complainant submits that it has made significant and long-term use of its TRAVELEX mark. It asserts that the first natural result for a Google search of the term “travelex” is the TRAVELEX mark. However, the Panel recalls that the disputed domain name omits the second “e” in the mark. The question arises as to whether this is a deliberate misspelling of the Complainant’s mark (i.e., an example of “typosquatting”), or whether the Respondent had some other purpose.

The Complainant invites the Panel to find it implausible that the Respondent was unaware of the TRAVELEX mark by virtue of its global use and well-known status, as determined by previous UDRP panels. However, the Panel notes that in one of the cited panel decisions, the domain name at issue wholly incorporated the

TRAVELEX mark and there was direct evidence of targeting. See *Travellers Exchange Corporation Limited v. tong jianwanqi*, WIPO Case No. [D2023-0147](#). In another cited decision, some of the domain names at issue wholly incorporated the TRAVELEX mark and there was a pattern of abusive domain name registrations. See *Travellers Exchange Corporation Limited v. WhoisGuard, Inc. / Lord Oxford*, WIPO Case No. [D2018-2231](#). In a third cited decision, the domain name at issue had no apparent use other than as a misspelling of the TRAVELEX mark. See *Travellers Exchange Corporation Limited v. Sandy Dreben*, WIPO Case No. [D2009-1333](#). None of those circumstances is apposite in the present case.

The Respondent explains that he chose the disputed domain name based on its value as a combination of the dictionary word “travel” and the letter “x” (representing “unknown”) and he also refers to the growing popularity of “X” as a brand suffix. While the Panel accepts the respective meanings of the constituent elements of the disputed domain name, the combination of those elements (“travelx”) is not a dictionary term.

The Respondent declares that he had never heard of the Complainant and provides evidence that his motives were innocent at the time of registration of the disputed domain name. He shows that the top results of his Google search for “travelx” (the term that he registered) carried out in Türkiye (where he is based) relate to “TravelX”. The evidence demonstrates that “TravelX” is a name used by various businesses, including a startup building blockchain-based retailing technology for the travel industry (i.e., NFT ticketing), travel agencies in Canada, India, Israel, Kenya, Mongolia, North Macedonia, and the United States, a digital airport concierge service, an onboarding courier service, a travel accessory kit, and an expandable duffel bag. “TravelX VIP” is the name of a duty-free airport mobile app. Some of these businesses have registered “travelx” as domain names in different TLDs. Two parties have registered “TravelX” and “TravelX Reimagine” as trademarks in different jurisdictions. While this evidence does not show that “TravelX” is a descriptive term or phrase, it does show that “TravelX” is an attractive brand for businesses in the travel industry. The evidence also shows that the Complainant’s website appears only once in the top five pages of search results for “travelx” (on the third page, with another result related to a dispute between the Complainant and a company named Travelx Ltd). The search engine did suggest TRAVELEX as an alternate search term, allegedly due to prior searches for that term conducted since the start of this proceeding. However, regardless of whether the Respondent, as a self-described domain name investor, knew or should have known of TRAVELEX, based on this evidence, the Panel finds it plausible that he registered the disputed domain name primarily with “TravelX” in mind (the Panel is not in a position to address whether any of those other parties using “travelx” may have been targeted).

The Panel has taken note of the use that the Respondent makes of the disputed domain name. The maximum selling price that he is asking for it is much higher (USD 99,999) than his purchase price. The Complainant submits that therefore the Respondent seeks to use its connection with the TRAVELEX brand as a means of enticing a sale, either to the Complainant, or to a competitor of the Complainant. However, the Panel is ill-equipped to judge whether the Respondent’s asking price (which is presented as an opening offer) is more likely than not to reflect the value of the disputed domain name to the Complainant or its competitors as a typographical error (even of a global brand). The Complainant has not, for example, presented arguments or evidence to show that it (or a competitor per UDRP paragraph 4(b)(i)) has been targeted insofar as it alone would be in a position to pay the asking price (based on its turnover) versus other third parties using “travelx” (who may not be in as strong a financial position) who would be incapable of realistically paying the Respondent’s asking price.

There is no evidence that the Respondent has registered or used other domain names in bad faith nor any other circumstances from which the inference might be drawn that the Respondent’s primary purpose for the disputed domain name was to capitalize on the goodwill created by the Complainant, to cause confusion, or to disrupt the business of the Complainant.

In these circumstances, the Panel is unable to conclude, on the balance of probabilities, that the Respondent had the Complainant’s trademark in mind, and targeted that trademark, when he registered the disputed domain name and offered the disputed domain name for sale.

For the above reasons, based on the record of this dispute, the Complainant has failed to satisfy the third element in paragraph 4(a) of the Policy.

D. Reverse Domain Name Hijacking

The Respondent asks the Panel to declare that the Complaint constitutes Reverse Domain Name Hijacking in accordance with paragraph 15(e) of the Rules. It notes that the Complainant is represented by a specialized intellectual property lawyer. It argues that the Complainant should have known its case was fatally weak due to the absence of any evidence of targeting the Complainant.

While the Complainant has not prevailed due to lack of evidence of targeting, the Panel considers that it had an arguable case and does not consider that it has abused the UDRP procedure. Therefore, the Panel declines to find that the Complaint was brought in bad faith.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: November 29, 2023