

ADMINISTRATIVE PANEL DECISION

Travelscape, LLC v. Joel Edau
Case No. D2024-2783

1. The Parties

The Complainant is Travelscape, LLC, United States of America (“United States”), represented by Kilpatrick Townsend & Stockton LLP, United States.

The Respondent is Joel Edau, Uganda.

2. The Domain Name and Registrar

The disputed domain name <travelocity-travels.com> is registered with One.com A/S (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2024. On July 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 10, 2024, 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 July 10, 2024, 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 July 11, 2024.

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 July 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 17, 2024.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on August 21, 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. Factual Background

The Complainant is Travelscape, LLC, is one of a leading provider of consumer-direct travel services for the leisure and business traveler. The Complainant is a member of the Expedia group.

The Complainant promotes and offers its services online and through social media. It operates in particular a website hosted at “www.travelocity.com”, which was launched in 1996, as well as through dedicated apps.

The evidence filed with the Complaint shows, for instance, that the Facebook page of the Complainant has over 570,000 followers, and its main website receives an average of 3,700,000 visitors per month, which makes it the 7th most visited website in the United States in the category of travel and tourism. 75% of visitors of this website are based in the United States. Also, the Complainant won the United States’s Leading Online Travel Agency 2021 of the Word Travel Awards.

The Complainant registered trademark TRAVELOCITY (word) before the United States Patent and Trademark Office (“USPTO”) on June 22, 1999 under No. 2,254,700. Proof of this registration, as well as of several other registrations obtained worldwide for trademark TRAVELOCITY and for TRAVELOCITY-formed marks, was submitted as Exhibits K and L for the Complaint.

The disputed domain name was registered on October 18, 2023. In the course of this proceeding, the Registrar disclosed the identity of the Respondent, an individual with an address in Uganda.

The disputed domain name resolves to a website impersonating the Complainant, reproducing its trademark as well as its logo mark, together with a fake login page, in a phishing scheme designed to obtain information from the consumers from the Complainant.

5. Parties’ Contentions

A. Complainant

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s mark registered and used worldwide.

The Complainant alleges that the Respondent does not have rights or legitimate interests in the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith.

The Complainant alleges that the Respondent is using the disputed domain name in connection with a fraudulent phishing scheme designed to lure consumers into believing that they are dealing with the Complainant.

Hence the Complainant concludes that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be presented and duly proven by a Complainant to obtain relief. These elements are:

- (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 respect to the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to the TRAVELOCITY trademark, as it is entirely incorporated in the disputed domain name.

The Complainant has presented consistent evidence of ownership of the trademark TRAVELOCITY in jurisdictions throughout the world, by presenting several trademark registrations for it, as well as comprehensive evidence of the use of the trademark.

The use of the trademark TRAVELOCITY, followed by hyphen and the term "travels", which has no effect whatsoever in distancing the disputed domain name from the registered trademark - and is directly related to the consumers of the Complainant's current goods and services. Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity under the first element.

Given the above, the Panel concludes that the disputed domain name is confusingly similar to the registered trademark of the Complainant.

B. Rights or Legitimate Interests

Given the clear evidence that trademark TRAVELOCITY is registered in the Complainant's name throughout the world; considering that this trademark is widely known as identifying the Complainant's activities, and that the Complainant has not licensed this to the Respondent, the Panel finds that the Complainant has established prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name.

In the absence of a Response, the Respondent has not rebutted such prima facie case. Furthermore, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

The composition of the disputed domain name points towards the Respondent's likely intent to give an impression that the disputed domain name is associated with the Complainant. The Panel finds that the composition of the disputed domain name (the addition of the hyphen and the term "travels" after the Complainant's trademark) carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. In the absence of any reasonable explanation for the selection of the disputed domain name by the Respondent, and in the circumstances of this case - particularly the use of the Complainant's name and of a fake login page at the disputed domain name, the Panel finds that the disputed domain name has been registered to target the Complainant and to take unfair advantage of the trademark owned by the Complainant.

According to the evidence provided in Exhibit O to the Complaint, the disputed domain name has been used in connection with a website impersonating the Complainant with a fake login page, likely on a fraudulent scheme to obtain login or other information from consumers from the Complainant.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Further, panels have held that the use of a domain name for illegal activity here, claimed phishing and impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel, thus, finds for the Complainant under the second element of the Policy.

C. Registered and Used in Bad Faith

Given the circumstances of this case, the facts outlined in sections A and B above can also evidence the Respondent's bad faith in the registration and use of the disputed domain name.

The Respondent intended to give an overall impression that the disputed domain name is associated with the Complainant, and the Panel accepts that the disputed domain name is likely intended to capitalize on the fame and goodwill of the Complainant's trademark. Besides, the disputed domain name reproduces the Complainant's mark TRAVELOCITY with the addition of the hyphen and the term "travels", directly related to the services rendered by the Complainant.

The composition of the disputed domain name points towards the Respondent's likely intent to give an impression that the disputed domain name is associated with the Complainant or to confuse Internet users. In the absence of any reasonable explanation for the selection of the disputed domain name by the Respondent, and in the circumstances of this case, the Panel finds that it is more likely than not, that the disputed domain name has been registered to take advantage due to the value of the trademark owned by the Complainant.

According to the evidence provided by Exhibit O to the Complaint, and unrefuted by the Respondent, the disputed domain name was used in connection with a fake login page bearing the Complainant's marks, probably to obtain data on the consumers believing they are accessing their accounts on the Complainant's actual webpage.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Here, the Panel notes the distinctive and well-known nature of the Complainant's trademark TRAVELOCITY, the failure of the Respondent to submit a Response, and the implausibility of any good faith use to which the disputed domain name may be put, support a finding of bad faith.

In the totality of the circumstances, the Panel finds the Respondent has registered and is using the disputed domain name in bad faith.

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, <travelocity-travels.com>, be transferred to the Complainant.

/Alvaro Loureiro Oliveira/

Alvaro Loureiro Oliveira

Sole Panelist

Date: September 4, 2024