

## **ADMINISTRATIVE PANEL DECISION**

HomeAway.com, Inc. v. liao run liang  
Case No. D2025-2888

### **1. The Parties**

The Complainant is HomeAway.com, Inc., United States of America (“USA” or “United States”), represented by Akerman LLP, USA.

The Respondent is liao run liang, China.

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

The disputed domain name <homea-way.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 21, 2025. On July 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 2025, 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 August 4, 2025, 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 in English on August 5, 2025.

On August 4, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On August 5, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on August 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 2, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on September 9, 2025. 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 owned by Expedia, Inc., one of the world's largest and most recognized travel companies, known globally for its extensive portfolio of travel brands including HOMEAWAY and VRBO. Expedia acquired the Complainant in 2015, expanding into the rapidly growing alternative accommodations market valued at USD 100 billion. The Complainant particularly operates a global online marketplace for the vacation rental industry, where over two million online bookable listings of vacation rental homes and apartments in over 190 countries are offered. One of the Complainant's brands for this business is HOMEAWAY.

The Complainant is the owner of an international trademark portfolio for the HOMEAWAY mark, including, but not limited to the following trademark registrations:

- the USA trademark HOMEAWAY with registration No. 3596177, registered on March 24, 2009 for services in International Class 43;
- the International trademark HOMEAWAY with registration No. 978536, registered on July 24, 2008 for services in International Classes 35, 38 and 43, designating jurisdictions including China; and
- the European Union trademark HOMEAWAY with registration No. 006609051, registered on November 11, 2008 for services in International Classes 35, 38 and 43.

The Complainant is also the owner of the domain name <homeaway.com>, which now redirects to the Complainant's primary website at the domain name <vrbo.com>.

The disputed domain name was registered on June 9, 2025. The Complainant provides evidence that the website linked to the disputed domain name displayed pornographic content and gambling advertisements. However, the Panel notes that on the date of this Decision, the disputed domain name refers to an inactive website stating merely: "Website not found. Sorry, please confirm that this domain name has been bound to your 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.

Notably, the Complainant contends that it has established extensive rights in the HOMEAWAY mark through longstanding and continuous use, significant investment, and widespread promotion worldwide. The Complainant argues that its HOMEAWAY mark is registered in multiple jurisdictions including the United States, European Union, China, India, and Canada, and is well-known in the vacation rental industry. Further, the Complainant claims that its trademarks are associated with millions of website visitors, strong consumer recognition, and substantial goodwill and reputation in the market, supported by numerous awards and promotional efforts.

The Complainant asserts that the Respondent only registered the disputed domain name after the Complainant's rights in the HOMEAWAY mark had been firmly established. The Complainant claims that the disputed domain name is confusingly similar to its mark, differing only by a hyphen, which does not prevent the likelihood of confusion. The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, lacks any relationship or authorization from the Complainant, and does not use the domain name for a bona fide offering of goods or services. Instead, the Complainant alleges that the Respondent uses the disputed domain name to operate a website containing gambling and pornographic content unrelated to the Complainant's services, evidencing no legitimate connection to the mark or business.

The Complainant further contends that the Respondent's registration and use of the disputed domain name constitute bad faith. According to the Complainant, the Respondent registered the disputed domain name long after the mark became widely recognized and without any authorization. The Complainant claims that the use of the disputed domain name to divert Internet users to a site promoting unrelated adult and gambling content is an attempt to exploit the Complainant's goodwill for commercial gain. The Complainant submits that this use is likely to cause initial consumer confusion, fulfilling the bad faith criterion under the Policy and entitling it to the transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is in English, it was registered through a Singapore-based registrar where English is an official language, and the website to which it resolves is hosted in the USA. The Complainant adds that the site also contains an English-language copyright notice and reference to a USA statute, further indicating the Respondent's use of English. According to the Complainant, the Respondent is likely proficient in English, and requiring proceedings in Chinese would impose unnecessary translation costs, delays, and burdens. In the interest of fairness and efficiency, the Complainant submits that English should be the language of the proceeding, citing prior UDRP cases where panels determined English to be appropriate under similar circumstances.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## 6.2 Findings on the Merits

### 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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service 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 (be it divided up by a hyphen placed between the letter "a" and "w", which, however, doesn't affect this assessment). Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Having reviewed the available record, 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 Respondent has 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.

Moreover, upon review of the facts and evidence, the Panel notes that the disputed domain name resolved to an active website with links to pornographic videos as well as with gambling advertisements. In the Panel's view, no rights or legitimate interests derive from using a third-party trademark to divert Internet users for commercial gain to a gambling or pornographic website, see in this regard also several prior UDRP decisions such as *Barnes Europe Consulting Kft., and Heidi Barnes-Watson v. jianhua Wang*, WIPO Case No. [D2022-3059](#); *Seintec Norte, S.L. v. yu Liu, wangluochuanmei*, WIPO Case No. [D2021-1815](#); *Andrey Ternovskiy dba Chatroulette v. Protection of Private Person / Aleksandr Katkov*, WIPO Case No. [D2017-0381](#); and *Averitt Express, Inc. v. Protection of Private Person / Roman Emec*, WIPO Case No. [D2018-0249](#).

However, the Panel notes that on the date of this Decision, the disputed domain name directs to an inactive webpage. In this regard, the Panel finds that holding a domain name passively, without making any use of it, also does not confer any rights or legitimate interests in the disputed domain name on the Respondent (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#) and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

On the basis of the foregoing, the Panel considers that none of the circumstances of rights or legitimate interests envisaged by paragraph 4(c) of the Policy apply.

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.

In the present case, the Panel notes that by registering the disputed domain name, the Respondent clearly sought to obtain a domain name confusingly similar to the Complainant's widely known HOMEAWAY trademarks, thereby deliberately and consciously targeting the Complainant's prior rights. The Panel also refers to multiple prior decisions applying the Policy, where the respective panels considered the HOMEAWAY marks to be well known, see for instance: *Homeaway.com Inc. v. Hildegard Gruener*, WIPO Case No. [D2022-2237](#); *HomeAway.com, Inc. v. Jacques Cartier*, WIPO Case No. [D2022-5000](#). The Panel finds that these elements create a presumption of bad faith, see [WIPO Overview 3.0](#), section 3.1.4, which states "[p]anel[s] have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." Furthermore, the Panel also notes that the Complainant's trademarks for HOMEAWAY were registered many years before the registration date of the disputed domain name and even a cursory Internet or trademark search would have shown these pre-existing marks to the Respondent. The Panel infers from these elements that the Respondent knew, or at least should have known, of the existence of the Complainant's trademarks at the time of registering the disputed domain name. In the Panel's view, these elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

As to use of the disputed domain name in bad faith, the Complainant provides evidence that the website linked to the disputed domain name displayed pornographic content and gambling advertisements, which shows that the Respondent was using the Complainant's trademark in bad faith to mislead and divert Internet users for commercial gain to such website, and thereby also tarnished the Complainant's marks (see in this regard also previous UDRP decisions where domain names were linked to websites containing adult content such as *Barnes Europe Consulting Kft., and Heidi Barnes-Watson v. jianhua Wang*, WIPO Case No. [D2022-3059](#), *Seintec Norte, S.L. v. yu Liu, wangluochuanmei*, WIPO Case No. [D2021-1815](#), and *Averitt Express, Inc. v. Protection of Private Person / Roman Emec*, WIPO Case No. [D2018-0249](#)).

However, on the date of this Decision, the disputed domain name links to an inactive website. In this regard, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the well-known nature of the Complainant's trademark, the composition of the disputed domain name and the unlikelihood of any good faith use to which the disputed domain name might be put by the Respondent and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <homea-way.com> be transferred to the Complainant.

*/Deanna Wong Wai Man/*

**Deanna Wong Wai Man**

Sole Panelist

Date: September 16, 2025