

ADMINISTRATIVE PANEL DECISION

Travellers Exchange Corporation Limited v. mehmet sahin, and Ali Sahin
Case No. D2023-0947

1. The Parties

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

The Respondents are mehmet sahin, Türkiye, and Ali Sahin, Germany.

2. The Domain Name and Registrar

The disputed domain names <travelexmoney.com>, and <travelexsucks.com> are registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was firstly concerning only the disputed domain name <travelexmoney.com> (“First Domain Name”) and was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 2, 2023. On March 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the First Domain Name. On March 4, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the First Domain Name, which differed from the named Respondent (Unknown, Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 7, 2023 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 March 16, 2023.

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 March 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 9, 2023. The Center received various email communications from the Respondent, between March 10, 2023 and April 6, 2023, to which the Center acknowledged receipt.

On April 6, 2023, the Center received a request from the Complainant to add one more disputed domain name, <travelexsucks.com> (“Additional Domain Name”). The Respondent of the First Domain Name did not submit any formal Response. Accordingly, the Center sent the Commencement of Panel Appointment Process to the Parties on April 11, 2023.

The Center appointed Edoardo Fano as the sole panelist in this matter on April 19, 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.

On April 21, 2023, the Panel instructed the Center to obtain a registrar’s verification request for the Additional Domain Name from the concerned Registrar. The information of the registrant provided by the Registrar about the Additional Domain Name differed from the information of the registrant of the First Domain Name.

On April 26, 2023, the Panel issued an Administrative Panel Procedural Order addressed to all the Parties and granting the Respondent of the Additional Domain Name five (5) calendar days to answer in relation to the Complainant’s request regarding the Additional Domain Name. On April 26, 2023 the Respondent of the First Domain Name sent its reply to the Administrative Panel Procedural Order, while the Complainant and the Respondent of the Additional Domain Name did not reply.

The Panel accepted to add the Additional Domain Name to the present proceeding.

The Panel has not received any requests from the Complainant or the Respondents regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

Having reviewed the communication records in the case file provided by the Center, the Panel finds that the Center has discharged its responsibility under the Rules, paragraph 2(a), “to employ reasonably available means calculated to achieve actual notice to the Respondent”. Therefore, the Panel shall issue its Decision based upon the Complaint, the Policy, the Rules and the Supplemental Rules and without the benefit of a formal response from the Respondents.

The language of the proceeding is English, being the language of the Registration Agreements, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is Travellers Exchange Corporation Limited, a United Kingdom company operating in the field of foreign exchange and owning several trademark registrations for TRAVELEX, among which:

- United States Trademark Registration No. 1694803 for TRAVELEX, registered on June 16, 1992;
- European Union Trademark Registration No. 009145285 for TRAVELEX, registered on November 12, 2010;
- European Union Trademark Registration No. 018130041 for TRAVELEX, registered on January 31, 2020.

The Complainant also operates on the Internet, its main website being “www.travelex.com”.

The Complainant provided evidence in support of the above.

According to the Whois records, the First Domain Name was registered on October 15, 2022, while the Additional Domain Name was registered on March 23, 2023. They both resolve to a parking page with sponsored links including to competitors of the Complainant.

5. Parties' Contentions

A. Complainant

As regards the First Domain Name, the Complainant states that it is confusingly similar to its trademark TRAVELEX, as the First Domain Name wholly incorporates the Complainant's trademark, with the addition of the word "money", which reinforces the proximity to the Complainant's trademark and activities by describing the travel currency exchange services for which the Complainant is known.

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the First Domain Name since it has not been authorized by the Complainant to register the First Domain Name or to use its trademark within the First Domain Name, it is not commonly known by the First Domain Name, and it is not making either a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the First Domain Name. The First Domain Name resolves to a parking page with sponsored links to International Money Transfer, that is the same field as the Complainant.

The Complainant submits that the Respondent has registered the First Domain Name in bad faith, since the Complainant's trademark TRAVELEX is well known. Therefore, the Respondent targeted the Complainant's trademark at the time of registration of the First Domain Name and the Complainant contends that the use of the First Domain Name with the purpose to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and unauthorized competing financial services, will disrupt the Complainant's business and qualifies as bad faith registration and use.

Moreover, the Complainant asserts that the Respondent's offer to transfer the First = Domain Name to the Complainant for 2,000 USD shows the Respondent's intention to register a First Domain Name which contains a registered trademark and sell it back to the trademark owner.

As regards the Additional Domain Name, the Complainant states that it must, on the balance of probabilities, be under the Respondent's control, given its attempted use of the same as a threat to leverage payment. The Complainant submits that the Respondent has registered both disputed domain names for the purpose of selling, renting or transferring them to the Complainant for valuable consideration in excess of out-of-pocket costs, and therefore requires to include the Additional Domain Name to the Complaint.

B. Respondent

The Respondents have made no formal reply to the Complainant's contentions. In reference to paragraphs 5(f) and 14 of the Rules, no exceptional circumstances explaining the absence of a reply to the Complainant's contentions have been put forward or are apparent from the record.

A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable facts asserted by a complainant may be taken as true, and appropriate inferences, in accordance with paragraph 14(b) of the Rules, may be drawn. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

However, on March 10, 16, 20, 23, and on April 4 and 6, 2023, the Center received the following informal email communications from the Respondent owning the First Domain Name:

"Ok, you don't want to waste time. We can help you with it. Looks like Dynadot is preventing editing of this domain at the moment. There is no trademark on the term: travelexmoney. We are not familiar with your company at all. We register domains which have potential. It is a quick decision made in seconds. Very similar thing happened a few years ago, PAYSAFECARD wanted PAYSAFECOIN.COM (with legal action threat) and we put a price of 3K (3000 USD) at namesilo on it, and they bought it immediately, either because price was low or to save time, or they felt they would lose in udrp. In this case we would accept 2,000 USD offer from anyone at Dynadot (instant transfer), but Dynadot seems to have blocked any type of

editing, not only listing. But they (cc'ed above) maybe can discuss this matter with you and transfer this domain for the amount above (2K). We give permission to them via this email. (Udrp is another method of course, we would defend this registration, not sure who would win, we would have our arguments, but don't want to spend any time on such things.) We don't purposely register trademark domains. We also sold maxwell-house.com for low 4 figures (1K+fees) to maxwellhouse (coffee) after their complaint,.. and of course maxwell house has multiple meanings although they have TM on the exact term. So it is your decision now. Time is more important than money." (March 10, 2023);

"How did you get our contact info. I mean, isn't this illegal. Should we bring this to the table as well. We won't if this thing is cancelled for a more peaceful solution. (I mean, to save time at least). You can either get the domain (directly and peacefully), or get it by 50 percent chance (or less) after a "fight"." (March 16, 2023);

"We think contact info was obtained illegally. Anyway, is there a settlement option here already, we can't see it here. Here is one settlement option we are ready to accept (if offered, otherwise defend as usual). YOUR settlement OFFER (if it exists): --Owner gets 1K (1,000 USD) --Dynadot handles everything including domain transfer and paperwork. --Dynadot charges 500 USD maximum for everything, including transfer cost, paperwork. YOUR settlement OFFER (second option, if Dynadot and WIPO accepts it) -Domain listed as usual (currently not possible) for 1K. -Domain purchased by and transferred to instantly as usual by the complainant -Owner gets 950 USD , Dynadot gets 50 USD (or whatever the usual percentage) So, the cost to the complainant would be 1500 or less to the complainant, and we believe they get 1,000 USD refund with settlement, if happens on time. (previously it would cost 2K) So, we suggest that the COMPLAINANT discusses this matter with DYNADOT. In case of paperwork, Dynadot can sign the paperwork, possibly by transferring the domain to themselves, or by attaching this email as proof of the deal. We are not offering settlement, but we are telling everyone what would be accepted If there is no settlement plan we can defend this registration as usual. Getting contact info without authorization may be illegal, because there is no legal decision (there is a legal attack only, without much evidence). There was no abusive use of the domain. It was not listed anywhere, and the owner didn't list or try to sell it anywhere. AND the world is changing fast, UN will change, WIPO will change, and past crimes can be reversed." (March 20, 2023);

"WE WILL MAKE YOUR JOB EVEN EASIER, unless some lawyers are trying to profit from legal business. *sucks.com domains are safe to keep even if * part are fanciful famous brands. For example paypal@sucks.com was sold for 5751 USD. UDRP wouldn't work. Here is the deal (for saving time, for both parties, no other reason): Get travelex@sucks.com at dynadot.com in 2 minutes. and then we agree to transfer travelex@money.com for free to the complainant. Also we don't want to appear as respondent in WIPO records (contact info was obtained illegally anyway). If we have to respond to this UDRP case, or we lose in UDRP, then travelex@sucks.com may be developed into an informative site. Please don't send regular mail. Just email." (March 23, 2023);

"We told you we want to make your job easy, not interested (please see below)? We are not redirecting travelex@money.com to this page: https://www.tripadvisor.com/ShowTopic-g1-i12334-k12032483-Travel_exchange_rates_rip_off_Avoid_Travelex-Holiday_Travel.html and who would visit it anyway, but everyone would visit travelex@sucks.com, owned by a close friend. I mean, why choose a risky path, when there is an easy, fast, cheap path. If we make a promise we keep it. Also Dynadot can handle everything on our behalf, we give them permissions as mentioned here. If there is an obstacle, it can be overcome easily. For example there is a push function for transferring domains, if it doesn't happen automatically." (April 4, 2023);

"You need to create another case then. Owners are different. Also we remind everyone that contact info was obtained illegally. All we do, we are doing to help everyone save time. We were trying to make a potential settlement easy for the complainant, but lawyers may have bad intentions, like trying to scam their own companies by charging them more than their out of pocket expenses. Selling domains is legal and ethical. There is no trademark on travelex@money, and we didn't try to sell it to the complainant, just created some room for settlement. We don't know any company named travelex, just heard of it after these emails."

"Trademarks have boundaries. Not only travelex@money, but also travelex itself can have more than one meaning, for example it can mean travel express travel exotic (places) what if we owned travelex.net,

would you have rights on it automatically? There was not a bad intention at the time of registration, but we are creating room for settlement if you have good intentions and really like the domain, or protesting it if you have bad intentions. So, what we are saying is all conditional. You are wasting everyone's time, and your company's resources, and this is bad faith by itself." (April 6, 2023).

As a reply to the Panel's Administrative Panel Procedural Order, on April 26, 2023 the Respondent owning the Additional Domain Name sent the following informal email communication:

"Different people, different domains, can owners know each other, maybe, maybe there is no connection and we were bluffing, maybe it is registered by a connected party, and its registration can be related to a discussion between those, but not as a result of instructions or a deal. Basically we are protesting this theft (reverse hijacking) attempt IF, it is really a theft attempt (yes, looks like it is). and IF they just want the domain, we were letting them know that a reasonable settlement was possible, even after UDRP started. Also we remind everyone that our contact info was obtained illegally. Maybe someone was bribed, or a leaked data was used. Using such data is illegal by itself. We heard that you sent regular mail based on this illegally obtained data, and it will be thrown away of course, without opening."

6. Discussion and Findings

6.1 Addition of a Domain Name to the Proceeding

The Panel's decision to accept the addition of the Additional Domain Name to this proceeding is based on consideration of the following:

- The addition of domain names after the filing of a Complaint has been allowed in the past in other UDRP proceedings, see section 4.12.2 of the [WIPO Overview 3.0](#);
- Paragraphs 10(a), 10(b) and 10(e) of the Rules ("General Powers of the Panel") explicitly provide the following:

"(a) The Panel shall conduct the administrative proceeding in such manner as it considers appropriate in accordance with the Policy and these Rules.

(b) In all cases, the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case.

(e) A Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules."

- In the proceeding at issue, the Panel finds that there is evidence that the disputed domain names are subject to common control, as explained hereinafter, and that it is expedient to hear and determine them together in order to avoid the potentially varying decisions resulting from separate proceedings and to incur supplemental unnecessary costs for the Complainant.

6.2 Consolidation of Multiple Respondents

The Complainant has requested consolidation of multiple respondents and stated that both the disputed domain names belong to the same person or organization. No objection to this request was made by the Respondent appearing as the registrant of the Additional Domain Name .

Pursuant to the [WIPO Overview 3.0](#), section 4.11.2, "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario". The Panel may consider a range of factors

to determine whether consolidation is appropriate, such as examining relevant registrant contact information, and any naming patterns in the disputed domain names, or other evidence of respondent affiliation that indicate common control of the disputed domain names.

The Panel notes that both the disputed domain names follow the same naming pattern, are registered with the same Registrar and are resolving to the same website. The Panel finds that there is evidence that the disputed domain names are subject to common control, and that it would be procedurally efficient, fair, and equitable to all Parties to accept the Complainant's consolidation request. As regards the Additional Domain Name, on the same date of its registration the Respondent owning the First Domain Name was offering to the Complainant to buy it in exchange for the free transfer of the First Domain Name, and when provided with the possibility to explain its position with regard to the Additional Domain Name by replying to the Panel's Administrative Panel Procedural Order, the Respondent owning the First Domain Name was still suggesting the possibility that the two disputed domain names were maybe registered by connected parties. The Panel further notes that the Respondent appearing as the registrant of the Additional Domain Name did not object to the consolidation request. The Panel therefore accepts the Complainant's consolidation request. Hereinafter, the Panel will refer to the Respondents in the singular, *i.e.*, "the Respondent".

6.3 Substantive Issues

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that the Complainant is the owner of the trademark TRAVELEX and that the disputed domain names are confusingly similar to the trademark TRAVELEX.

Regarding the addition of the terms "money" and "sucks", the Panel notes that it is now well established that the addition of other terms (whether descriptive, geographical terms, letters, or otherwise) to a domain name does not prevent a finding of confusing similarity between the disputed domain name and the trademark. The additional terms do not therefore prevent the disputed domain names from being confusingly similar to the Complainant's trademark. See [WIPO Overview 3.0](#), section 1.8.

It is also well accepted that a generic Top-Level Domain ("gTLD"), in this case ".com", is typically ignored when assessing the similarity between a trademark and a domain name. See [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Complainant has therefore met its burden of proving that the disputed domain names are confusingly similar to the Complainant's trademark, pursuant to the Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy requires the Complainant to prove that the Respondent has no rights or legitimate interests in the disputed domain names.

The Respondent may establish rights or legitimate interests in the disputed domain names by demonstrating in accordance with paragraph 4(c) of the Policy any of the following circumstances, in particular but without limitation:

“(i) before any notice to [the respondent] of the dispute, your use of, or demonstrable preparations to use, the domain names or a name corresponding to the domain names in connection with a *bona fide* offering of goods or services; or

(ii) [the respondent has] (as an individual, business, or other organization) been commonly known by the domain names, even if you have acquired no trademark or service mark rights; or

(iii) [the respondent is] making a legitimate noncommercial or fair use of the domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

According to paragraph 4(a) of the Policy, the Complainant has the burden of proving the three elements of the Policy. However, satisfying the burden of proving a lack of the Respondent’s rights or legitimate interests in respect of the disputed domain names according to paragraph 4(a)(ii) of the Policy is potentially quite difficult, since proving a negative circumstance is generally more complicated than establishing a positive one. As such, it is well accepted that it is sufficient for the Complainant to make a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names in order to shift the burden of production of evidence to the Respondent. If the Respondent fails to demonstrate rights or legitimate interests in the disputed domain names 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.

The Complainant in its Complaint, and as set out above, has established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names. It asserts that the Respondent, who is not currently associated with the Complainant in any way, is not using the disputed domain names for a legitimate noncommercial or fair use or in connection with a *bona fide* offering of goods or services. The use of the disputed domain names to host a parked page comprising pay-per-click (“PPC”) links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the Complainant’s trademarks. See [WIPO Overview 3.0](#), section 2.9.

The *prima facie* case presented by the Complainant is enough to shift the burden of production to the Respondent to demonstrate that it has rights or legitimate interests in the disputed domain names. However, the Respondent has not presented any evidence of any rights or legitimate interests it may have in the disputed domain names.

Moreover, the Panel finds that the composition of the disputed domain name <travelexmoney.com>, incorporating the Complainant’s trademark with the addition of the term “money”, carries a high risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

Based on the facts of this case, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names.

The Panel therefore finds that paragraph 4(a)(ii) of the Policy has been satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that “[f]or the purposes of paragraph 4(a)(iii) of the Policy, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that [the respondent has] registered or [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 the complainant, for valuable consideration in excess of [its] documented out-of-pocket costs directly related to the domain name; or

- (ii) [the respondent has] registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the respondent has] engaged in a pattern of such conduct; or
- (iii) [the respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] web site or location or of a product or service on [the respondent's] web site or location".

Regarding the registration in bad faith of the disputed domain names, the reputation of the Complainant's trademark TRAVELEX in the field of foreign exchange is clearly established and the Panel finds that the Respondent likely knew of the Complainant, and deliberately registered the disputed domain names in bad faith, especially because of the content of the parking page to which the disputed domain names resolve, which consists of PPC links, including links to competitors of the Complainant, without the Respondent providing any explanation for the registration of the disputed domain names.

In fact, the Panel finds that the disputed domain names are also used in bad faith since in the relevant parking page there are PPC links, even in the case where they are automatically generated, referring to the same services as those of the Complainant, and the Respondent cannot disclaim responsibility for the parking page content. See [WIPO Overview 3.0](#), section 3.5.

The above suggests to the Panel that the Respondent intentionally registered and is using the disputed domain names in order to attract, for commercial gain, Internet users to its parking page in accordance with paragraph 4(b)(iv) of the Policy.

Finally, the fact that Additional Domain Name has been registered as a threat in order to be sold to the Complainant for valuable consideration in excess of out-of-pocket costs in exchange for the free transfer of the First Domain Name to the Complainant, reinforces the Panel's opinion about the Respondent's registration and use of that disputed domain names in bad faith.

The Panel finds that the Complainant has presented evidence to satisfy its burden of proof with respect to the issue of whether the Respondent has registered and is using the disputed domain names in bad faith.

The Panel therefore finds that paragraph 4(a)(iii) of the Policy has been satisfied.

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 names, <travelexmoney.com>, and <travelexsucks.com>, be transferred to the Complainant.

/Edoardo Fano/

Edoardo Fano

Sole Panelist

Date: May 8, 2023