

## ADMINISTRATIVE PANEL DECISION

Wild Goose Holding Co, Inc., Wawa, Inc. v. Amruth Raj  
Case No. D2024-3957

### 1. The Parties

Complainants are Wild Goose Holding Co, Inc., and Wawa, Inc., United States of America (“United States”), represented by Caesar Rivise, PC, United States.

Respondent is Amruth Raj, India.

### 2. The Domain Name and Registrar

The disputed domain name <mywawavisit.one> (hereinafter the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 26, 2024, initially in regard to the Disputed Domain Name and two other domain names: <mywawavisit.page> and <mywawavisit.vip>. On September 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with these three domain names. On September 27, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the three domain names which differed in all three cases from the named Respondent (“John Doe Registrant”) and contact information in the Complaint.

The Center sent an email communication to Complainants on September 30, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainants to either file separate complaint(s) for each of the originally disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainants filed an amended Complaint on October 4, 2024, also requesting the withdrawal of the proceedings in regard to the domain names <mywawavisit.page> and <mywawavisit.vip>. On October 7, 2024, the Center sent an email communication to the parties confirming the withdrawal of the proceedings in regard to the domain names <mywawavisit.page> and <mywawavisit.vip>, as well as the continuance of the dispute regarding the Disputed Domain Name.

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 Respondent of the Complaint, and the proceedings commenced on October 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 28, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 29, 2024.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on October 31, 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

Complainant Wild Goose Holding Co., Inc. (hereinafter “Wild Goose”), owns the federal trademarks and service marks registrations for many variations of the trademark WAWA (hereinafter the “Mark”), including United States Trademark Registrations Nos. 890189 (Registered April 28, 1970); 1299708 (Registered October 9, 1984); and 2651851 (Registered November 19, 2002).

Complainant Wild Goose has granted Complainant Wawa, Inc. (hereinafter “Wawa”) a license to use the Mark.<sup>1</sup>

Wawa is a retailer and operator of convenience stores and vehicle fueling stations in the United States, offering a wide variety of goods and services. Wawa, through its predecessor in interest, has used the name and trademark WAWA for more than 110 years.

The WAWA trademark is well known in the United States. In *Wawa, Inc. v. Haaf*, 40 USPQ2d 1629, 1631 (E.D. Pa. 1996), *aff’d*, 116 F.3d 471 (3d Cir. 1997) the court held that, under the Federal Trademark Dilution Act, 15 U.S.C. § 1125(c) (1995), “without question [the mark WAWA] is famous [ . . . ]”.

Complainants operate the domain <mywawavisit.com> where they offer a “Wawa Customer Satisfaction Survey”.

Respondent registered the Disputed Domain Name on June 2, 2023. The associated website (hereinafter “Disputed Website”) displays images of Complainants’ store signs that include the Mark and related logo designs. The Disputed Website also includes hyperlinks (displayed in large, bold letters) that supposedly direct to Complainants’ authentic customer feedback website at <mywawavisit.com>. The content displayed on the Disputed Website falsely mimics Complainants’ website and encourages Internet visitors to participate in a fake “survey” to win a “free hoagies for a year” sweepstakes, a swag basket, or WAWA gift cards.

Respondent also displays the words “Visit MyWawaVisit.Com” (i.e. Complainant’s authentic website) in a conspicuous red rectangle, but the integrated hyperlink leads to Respondent’s unauthorized website.

On August 29, 2024, Complainants sent correspondence to the Registrar requesting the removal of the Disputed Domain Name. Complainants did not receive a response before they filed the instant Complaint.

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<sup>1</sup>Both of the Complainants have sufficient interest in the Mark sufficient to confer standing. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.4.1. See also, *Id.*, section 4.11.2.

## **5. Parties' Contentions**

### **A. Complainants**

Complainants contend that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

### **B. Respondent**

Respondent did not respond to the Complaint.

## **6. Discussion and Findings**

### **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 Complainants' 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.

Complainants have shown rights in respect of the WAWA trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Mark is recognizable within the Disputed Domain Name. 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 Respondent may demonstrate rights or legitimate interests in a Disputed Domain Name.

Although the overall burden of proof in UDRP proceedings is on Complainants, 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 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 that Complainants have established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted Complainants' 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.

Panels have held that the use of a domain name to fraudulently impersonate a complainant can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

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.

The Panel finds that Respondent registered the Disputed Domain Name in bad faith. Where, as here, Respondent includes images of Complainants' Mark and retail store signage on the Disputed Webpage, the inescapable inference is that Respondent was aware of and explicitly targeted Complainants and their rights when he registered the Disputed Domain Name. The inclusion of hyperlinks that supposedly direct to Complainants' authorized website is further evidence that Respondent was aware of and intended to impersonate Complainant.

The Panel also finds that Respondent is using the Disputed Domain Name in bad faith. Respondent is impersonating Complainant with a fraudulently devised survey that induces Internet Users to reveal confidential information. This is bad faith use. [WIPO Overview 3.0](#), section 3.4.

The Panel finds that Complainants have 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 <mywawavisit.one> be transferred to Complainants.

*/Lawrence K. Nodine/*

**Lawrence K. Nodine**

Sole Panelist

Date: November 13, 2024