

ADMINISTRATIVE PANEL DECISION

WK Travel, Inc. v. John Doe
Case No. D2024-4584

1. The Parties

The Complainant is WK Travel, Inc., United States of America ("United States"), represented by Mitchell, Silberberg & Knupp, LLP, United States.

The Respondent is John Doe, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <onetravelglobal.com> is registered with Porkbun LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 7, 2024. On November 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 8, 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 (Private By Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 11, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

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 November 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 9, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 10, 2024.

The Center appointed Andrew F. Christie as the sole panelist in this matter on December 16, 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, WK Travel, Inc., is a wholly-owned subsidiary of Fareportal Inc. ("Fareportal"), the technology company that powers the website at "www.onetravel.com" (the "WK Travel Website"). Through the WK Travel Website, and other websites owned and operated by Fareportal or its affiliates (such as the Complainant), Fareportal offers high-value, low-cost travel-related services including airfares, temporary lodging, car rentals, and vacation packages. Fareportal offers customers the ability to purchase airline tickets on over 500 airlines worldwide.

For more than two decades, the Complainant has provided its travel-related services to the public using trademarks consisting of, or containing, ONETRAVEL. The Complainant is the owner of United States Trademark Registration No. 4545969 for the word trademark ONETRAVEL (registered on June 10, 2014).

The disputed domain name was registered on October 25, 2023. The Complainant has provided screenshots of a website to which the disputed domain name resolved at an unspecified date. The website purportedly offers hotel-booking services, car-booking services, and various other travel services that are directly competitive with services offered by the Complainant. As at the date of this decision, the disputed domain name resolves to a website that has pages similar to those shown in the screenshots.

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.

The Complainant contends that the disputed domain name is confusingly similar to a trademark in which it has rights on the following grounds, among others. The disputed domain name incorporates the entirety of the ONETRAVEL trademark. The use of the term "global" does not preclude a finding of confusing similarity, as adding descriptive or non-distinctive matter to another's mark will not suffice to avoid a claim of confusion.

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name on the following grounds, among others. The Respondent is not a licensee of the Complainant, and the Respondent has not obtained permission, either express or implied, from the Complainant to use its ONETRAVEL trademark, or any domain name incorporating such trademark, either at the time the Respondent registered and began using the disputed domain name, or at any time since. There is no evidence that the Respondent has ever operated any bona fide or legitimate business under the disputed domain name, and the Respondent is not making a protected noncommercial or fair use of the disputed domain name. Rather, the Respondent is using the disputed domain name for a website that purportedly offers hotel-booking services, car-booking services, and various other travel services that are directly competitive with Complainant's services.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith on the following grounds, among others. The Respondent cannot plausibly assert that, in registering the disputed domain name, it was unaware of the Complainant's rights in the ONETRAVEL trademark, especially where, as here, the Respondent fully incorporates the trademark into the disputed domain name and uses it to operate a website that offers directly competing travel-related services. Considering the strong reputation and fame of the ONETRAVEL trademark, the Respondent's registration of the disputed domain name was clearly intended to freeride on the Complainant's goodwill. The directly competitive travel-related services purportedly offered through the website reflects paradigmatic bad faith and supports the inference that the Respondent registered this disputed domain name with the bad faith intent to deceive consumers, and that the Respondent has intentionally used the disputed domain name to attract, for commercial gain, Internet users to the Respondent's website 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 services.

Furthermore, the Complainant believes that the Respondent in this case previously registered the domain name <onetravel.world>, which also incorporated the Complainant's ONETRAVEL trademark in its entirety, and used it to display a website that looks nearly identical to the website currently available at the disputed domain name <onetravelglobal.com>. The Complainant initiated a UDRP proceeding in respect of the domain name <onetravel.world> on August 9, 2023 (*WK Travel, Inc. v. John Doe*, WIPO Case No. [D2023-3353](#)). The Complainant states that the Respondent registered the disputed domain name on the same day that the Center notified the parties in *WK Travel, Inc. v. John Doe* that the panel had ordered that the domain name <onetravel.world> be transferred to the Complainant.

B. Respondent

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

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 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 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. It is the owner of a trademark registration for the word trademark ONETRAVEL.

The entirety of the Complainant's word trademark is reproduced within the disputed domain name, followed by the word "global". Although the addition of other terms may bear on assessment of the second and third elements, the Panel finds the addition of this string does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. The Panel finds that the Complainant's trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the trademark 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.

The Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. Also, the evidence establishes that the Respondent has used the disputed domain name to resolve to a website which purports to offer services that compete directly with the services offered by the Complainant. Panels have held that the use of a domain name for illegitimate activity, such as implying a commercial affiliation that does not exist, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Having reviewed the available record, the Panel finds that 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.

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: (i) the Respondent registered the disputed domain name nearly a decade after the Complainant registered its ONETRAVEL trademark; (ii) the disputed domain name incorporates the Complainant's trademark in its entirety, and merely adds the word "global", which is a term descriptive of the services offered by the Complainant under its trademark; and (iii) the Respondent has used the disputed domain name to resolve to a website that purports to offer services directly competitive with the services offered by the Complainant under its trademark. It is clear the Respondent registered the disputed domain name with knowledge of the Complainant's trademark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The evidence shows that the Respondent has used the disputed domain name in an intentional attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the Complainant's trademark. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes 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 <onetravelglobal.com> be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: December 30, 2024