

ADMINISTRATIVE PANEL DECISION

Travellers Exchange Corporation Limited v. Harrison Enene, Ovvval Technologies Inc
Case No. D2024-4770

1. The Parties

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

Respondent is Harrison Enene, United States; Ovvval Technologies Inc, Ghana.

2. The Domain Name and Registrar

The disputed domain name <travelexgroup.org> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 19, 2024. On November 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 20, 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 (WITHHELD FOR PRIVACY EHF) and contact information in the Complaint. The Center sent an email communication to Complainant on November 21, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on November 21, 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 Respondent of the Complaint, and the proceedings commenced on November 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 16, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 17, 2024.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on December 24, 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 is a company incorporated in England and Wales with its registered office in Peterborough, England. Complainant and its group of companies operate a foreign exchange business with operations in 60 countries. In its retail business, Complainant operates stores in leading international airports, in shopping malls, supermarkets, and city centers. Complainant operates over 1000 retail stores and 900 ATMs. Complainant also provides money transfer services, VAT refunds and a mobile foreign exchange platform. Complainant's global revenue for the first quarter of 2024 was GBP 120.7 million.

Complainant operates its principal commercial website at "www.travelex.com". Complainant advertises its goods and services under the TRAVELEX trademark, including through print media, billboards, television, and the Internet. Complainant is the first natural Google search result when its trademark is used as a search term.

Complainant is the owner of registrations for the word trademark TRAVELEX at the United Kingdom Intellectual Property Office (UKIPO), including registration number UK00001343462, dated September 20, 1991, in international class (IC) 36, covering insurance and financial services relating to travel, and; registration number UK00002207981, in IC 16, covering, inter alia, periodical publications, credit cards, cards and other apparatus involved in the transfer of funds, and travelers' checks. Complainant also is registrant of the TRAVELEX word trademark at the trademark office of Ghana, registration number 1014563, registration dated July 30, 2009, in ICs 9, 35 and 36.¹ Complainant is the owner of additional word, and word and design, TRAVELEX trademark registrations in these and other jurisdictions.

According to the Registrar's verification, Respondent is registrant of the disputed domain name. The Whois search report indicates that the disputed domain name was registered on February 25, 2024. There is no indication on the record of this proceeding that any party other than Respondent has owned or controlled the disputed domain name since its initial creation date.

Respondent has used the disputed domain name to direct Internet users to a website headed with TRAVELEX GROUP LIMITED that purports to offer services relating to travel management, aviation skills development, airline general sales agency and conference facilitation. The website indicates that Respondent has assisted students in obtaining visas for study abroad. The website includes a telephone number and a post office box address in Ghana, and a contact email address incorporating the disputed domain name. There is no evidence on the record of this proceeding regarding whether Respondent has actually provided services to Internet users. Complainant indicates that it investigated in Ghana and could not find evidence of a registered business under the name used by Respondent on its website or under the corporate name used by Respondent in its registration of the disputed domain name. Complainant further indicates that by using a Registrar tool for ascertaining whether a domain name may be sold, the disputed domain name is listed with an offer to purchase option for a minimum price of \$199.

There is no evidence of any commercial or other relationship between Complainant and Respondent on the record of this proceeding.

¹With respect to Ghana, Complainant has furnished a list of trademark registrations, including international registration through the Madrid System, but it has not furnished a list of designated countries under the Madrid System, nor has it furnished a certificate evidencing registration from the trademark office of Ghana. However, as Respondent has not challenged Complainant's assertion of trademark rights in Ghana, the Panel accepts on the basis of Complainant's representation that it is the owner of registration for TRAVELEX in Ghana.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that it owns rights to the trademark TRAVELEX and that the disputed domain name is confusingly similar to that trademark.

Complainant argues that Respondent lacks rights or legitimate interest in the disputed domain name because: (1) Complainant has not licensed or otherwise authorized Respondent to use its trademark in the disputed domain name or otherwise; (2) Respondent does not appear to be carrying out any legitimate business or operations under the disputed domain name, such that it is not engaging in a bona fide offering of goods or services; (3) the disputed domain name may be available for purchase, suggesting that Respondent's business may not be legitimate, and; (4) Respondent is not engaging in legitimate noncommercial or fair use.

Complainant alleges that Respondent registered and is using the disputed domain name in bad faith because: (1) Respondent must have been aware of Complainant when it registered the disputed domain name and Respondent could readily have identified Complainant's rights in its trademark; (2) Respondent's use of the disputed domain name causes confusion for Internet users with respect to association with Complainant's business; (3) there is no plausible legitimate use by Respondent of Complainant's trademark in the disputed domain name or otherwise, and; (4) particularly in light of Complainant's investment in advertising and promotion of its trademark, it is clear that Respondent is seeking to unfairly benefit from Complainant's reputation.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

The Center formally notified the Complaint to Respondent at the email and physical addresses provided in its record of registration. Courier delivery to the physical address provided by Respondent in its record of registration could not be completed because of inaccurate and inadequate address information provided in the record of registration. There is indication of difficulties in email transmission to Respondent's addresses provided on the Respondent's website (apparently because certain of the email addresses do not exist). The Center took those steps prescribed by the Policy and the Rules to provide notice to Respondent, and those steps are presumed to satisfy notice requirements.

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief. These elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) respondent has no rights or legitimate interests in respect of 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 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.

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. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "group", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 Complainant, panels have recognized that proving 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 Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent, as here, fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Respondent has created a website associated with the disputed domain name (that is confusingly similar to Complainant's trademark), and it has incorporated Complainant's trademark on that website. It had no authority to do so. Complainant's trademark is registered in Ghana where Respondent purports to be operating its business, and Complainant's trademark and association with the travel industry is readily identifiable through a basic Internet search. Respondent's offering of services through the disputed domain name and under Complainant's trademark does not constitute a bona fide offering of services, nor does it constitute legitimate noncommercial or fair use of Complainant's trademark. Respondent's registration and use of the disputed domain name does not otherwise manifest rights or legitimate interests.

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 Respondent registered the disputed domain name substantially after Complainant established rights in its trademark, including (but not limited) through its registration in Ghana. Respondent would have readily identified Complainant and its trademark through a basic Internet search.

Respondent has used the disputed domain name confusingly similar to Complainant's trademark to direct Internet users to a website that offers services in lines of business related to those of Complainant. Respondent is presumably offering its services, real or fictitious, for a fee. Because Respondent has included contact information on its website presumably there is some mechanism by which Internet users would be in contact with Respondent for the performance of the offered services. The Panel concludes that Respondent registered and is using the disputed domain name for commercial gain to create Internet user confusion as to whether Complainant is the source, sponsor, affiliate or endorser of the services offered on its website. Such conduct by Respondent constitutes bad faith registration and use of the disputed domain name within the meaning of paragraph 4(b)(iv) of 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 <travelexgroup.org> be transferred to Complainant.

/Frederick M. Abbott/

Frederick M. Abbott

Sole Panelist

Date: January 7, 2025