

ADMINISTRATIVE PANEL DECISION

Port of Seattle v. Jay Taylor, Travel411.com, Inc.
Case No. D2024-4843

1. The Parties

The Complainant is Port of Seattle, United States of America (“United States”), represented by Stokes Lawrence, P.S., United States.

The Respondent is Jay Taylor, Travel411.com, Inc., United States.

2. The Domain Name and Registrar

The disputed domain name < seattletacomaairport.com> is registered with DNC Holdings, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 23, 2024. On November 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 2, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 December 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 26, 2024. The Response was filed with the Center on December 22, 2024.

The Center appointed W. Scott Blackmer, Jeffrey D. Steinhardt, and Lynda M. Braun as panelists in this matter on January 17, 2025. The Panel finds that it was properly constituted. Each member of 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 a Washington State (United States) municipal corporation that owns and operates the seaport of Seattle, Washington and the Seattle Tacoma International Airport, which are international ports of entry to the United States for passengers and freight. The Complainant operates a website at “www.portseattle.org” describing its facilities and services at both the seaport and the airport. The Complaint cites the Wikipedia article on “Seattle-Tacoma International Airport”, which is also known by the three-letter airport code “SEA”, as “the busiest in the Pacific Northwest region of North America”. Also known as “Sea-Tac”, the airport is a hub for Alaska Airlines and Delta Airlines and hosts operations for 29 other airlines, serving nearly 51,000,000 passengers in 2023.

The airport was built during the Second World War, and the Complainant claims common law protection for SEATTLE-TACOMA INTERNATIONAL AIRPORT as “a mark identifying Port of Seattle and its broad commercial airport services” “for nearly 80 years”. This is supported by evidence attached to the Complaint, dating from the 1950s onward, in the form of promotional material, media reports, and archived web pages.

The Complainant registered two figurative marks in 2020 consisting of its stylized airport code letters SEA and the words “Seattle-Tacoma International Airport” (the “SEA SEATTLE-TACOMA INTERNATIONAL AIRPORT marks”), United States Registration Numbers 6,160,135 and 6,160,136, respectively, both registered on September 22, 2020, in International Class 39.

The Registrar reports that the disputed domain name was created on November 1, 2001, and is registered to the Respondent Mr. Taylor, listing his organization as Travel411.com, Inc., with a postal address in Florida, United States and a Gmail contact email address. The Panel notes that the online database of the Florida Division of Corporations lists Travel411.com, Inc. as an inactive Florida corporation, and the Response was submitted only in the name of Mr. Taylor. The Panel refers to Mr. Taylor hereafter as the “Respondent”.

The disputed domain name resolves to a website (the “Respondent’s website”) headed “Seattle Tecoma Airport” (slightly misspelling the name “Tacoma”) and “https://seattletacomaairport.com/ Seattle Airport”, advertising hotels in the Seattle area and near what is termed variously on the site as “Seattle Tacoma Airport”, “Seattle Airport”, “Seattle-Tacoma International Airport”, and “Sea-Tac”. The Respondent’s website also includes information about the airport and the city of Seattle. The website displays a copyright notice in the name of Travel411.com, dated 2009 and 2024. This notice links to the website at “www.travel411.com”, which advertises cruises and hotels and shows an address in Pennsylvania, United States, but with no further information about the site operator. A visitor to the Respondent’s website clicking on a hotel listing is redirected to “www.hotels411.com” to book a reservation. The Respondent’s website does not include Terms and Conditions or Privacy pages, but those are found on the website at “www.hotels411.com”, where it appears that the hotel reservations are actually made by an Irish company called Nuitee Travel Limited.

The “Contact” page of the Respondent’s website prominently features a chat capability but also has a “Contact Us” section headed “To Contact Seattle - Tacoma Airport”. This provides a telephone number to book a hotel and also a link for “Seattle Tacoma Airport”, which is actually a link to “www.hotels411.com”. Immediately below that is a section headed “Official Contact Information for Seattle - Tacoma International Airport”. This links to the Complainant’s website and displays the Complainant’s physical address and the Complainant’s “Official Telephone Number” and the Complainant’s telephone numbers for airport baggage, lost and found, and security. There is no further information on the Respondent’s website concerning the website operator, and there is no disclaimer of affiliation with the Complainant.

The Response states that the Respondent has operated a travel agency business based in Florida called Hotel411.com for 21 years, based in Florida and registered with IATA (the International Air Transport Association), with a website at “www.hotel411.com”. The Response includes a list of 25 websites that the Respondent uses in his business, in addition to the Respondent’s website associated with the disputed domain name. These include “www.hotel411.com”, “www.hotels411.com”, “www.travel411.com”, and several websites using domain names that, like the disputed domain name, refer to specific destinations,

such as “www.enjoykeywest.com” and “www.discoverthebahamas.com”. The initial registration dates for these domain names date from 1997 through 2003.

The Complainant sent the Respondent a cease-and-desist letter via email on September 27, 2024, including a demand for transfer of the disputed domain name. The record does not indicate that there was a reply.

5. Parties' Contentions

A. Complainant

The Complainant asserts that the disputed domain name is confusingly similar to its common law and registered marks. As evidence of actual confusion, the Complainant observes that the Respondent's website includes outdated information about the Complainant's airport services (in some cases dating from 2017), and the Complaint attaches examples of communications to the Complainant from consumers who relied on erroneous information from the Respondent's website that the consumers attributed to the Complainant.

The Complainant denies any relationship with the Respondent and argues that the Respondent is not known by a corresponding name and is not using the Complainant's marks in connection with a bona fide offering of goods or services, as it cannot be deemed a legitimate use to mislead consumers as to affiliation with the Complainant. “At the very least, Respondent's website gives the illusion that Respondent is affiliated with or sponsored by Complainant,” by displaying the Complainant's contact details and maps that may have been copied from the Complainant's website, as well as information, some of it incorrect, about the Complainant's airport services.

The Complainant also cites these facts as evidence of the Respondent's prior awareness of the Complainant and its marks and its bad faith in attempting to exploit them with the disputed domain name and associated website. The Complainant identifies numerous other websites operated by the Respondent using domain names incorporating trademarked airport names, such as “www.sanfranciscointernationalairport.com” and “www.dallasairportdfw.com”. These have been used similarly to publish information about the airports at issue, advertise hotel bookings, and redirect site visitors to the Respondent's related websites such as “www.travel411.com”. The Complainant presents this as evidence of a pattern of bad-faith domain name registrations targeting trademarks.

The Complainant acknowledges that the Respondent prevailed in an earlier UDRP proceeding involving a domain name similarly based on an airport name, <loganinternationalairportboston.com>, *Massachusetts Port Authority (“Massport”) v. Jay Taylor, Travel411.com, Inc.*, WIPO Case No. [D2023-0859](#). The Complainant argues that the facts differed in that proceeding from the current one:

“Viewing that website in isolation, the panel decided that in that instance Respondent was offering *bona fide* tourist and travel services, and that there was no indication that ‘respondent's aim in registering the Disputed Domain Name was to profit from and exploit the Complainant's trademark.’ Specifically, the panel noted that ‘there is no evidence suggesting a pattern of abusive domain name registration or evidence of bad faith.’”

B. Respondent

The Respondent contends that the disputed domain name is not similar to the domain name used by the Complainant for the airport (<portseattle.org>) or the Complainant's registered SEA SEATTLE-TACOMA INTERNATIONAL AIRPORT service mark, as “SEA” is not “a stand-alone part” of the disputed domain name. The Respondent also observes that the Complainant's trademark registration was issued eighteen years after the registration of the disputed domain name. The Respondent contends that the Complainant was not referred to as “Seattle-Tacoma International Airport” until a 2010 Wikipedia article. The Respondent attaches a screenshot from the Internet Archive's Wayback Machine showing that in 2002, when the Respondent started its website associated with the disputed domain name, the Complainant's website airport page was headed “Sea-Tac Airport”.

The Respondent states that he has used the disputed domain name since 2002 to sell hotel rooms, which the Complainant does not do on its website. The Respondent lists 25 websites that the Respondent operates, stating that, “[s]ince 2000, the Respondent has used its websites, to connect with my clients and attract over 4,700 online visitors to Florida each year”. The Respondent explained his online objectives further as follows:

“I purchased the [disputed domain name] (which was about 9 years before Complainant created an airport site) to put together travel information for my clients that are traveling from Airports in Florida to other airports in the United States. At the time it was not easy to get the type of information I supplied on my websites. My main focus was hotels in the cities of other airports.”

The Respondent emphasizes that he is not in the same business as the Complainant and denies ever attempting to sell or rent the disputed domain name.

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 (the registered SEA SEATTLE-TACOMA INTERNATIONAL AIRPORT marks) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. On this record, the Complainant has also shown rights in respect of the unregistered mark SEATTLE-TACOMA INTERNATIONAL AIRPORT since the 1950s for purposes of the Policy. The Panel notes that, contrary to the Respondent’s assertion, archived screenshots of the Complainant’s website in 2002, when the Respondent launched the website associated with the disputed domain name, display both “Sea-Tac” and “Seattle-Tacoma International Airport” as headers on different pages of the Complainant’s website at that time.

The Complainant’s marks are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks 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 Respondent has published a commercial and informational website associated with the disputed domain name for many years and advances arguments that could be characterized as claims of rights or legitimate interests under the Policy, paragraphs 4(c)(i) (use in connection with a bona fide offering of goods or services) or (iii) (legitimate noncommercial or fair use). According to the Response (and consistent with archived screenshots of the Respondent's website), the Respondent has used the disputed domain name since 2002 to "sell hotel rooms" and "provide travel information" to consumers traveling to those destinations, although nothing in the record supports the Respondent's suggestion that site visitors booking reservations are largely his Florida customers. The Respondent's website is commercial, serving primarily as a portal for hotel bookings through a third-party reservations company, and so the Respondent cannot credibly claim nominative fair use as a noncommercial information website. [WIPO Overview 3.0](#), sections 2.4 and 2.5.3. Nor is the Respondent making nominative fair use of the Complainant's mark as a reseller or distributor (id., section 2.8); the Respondent does not deal in airport services.

The Respondent also suggests that the disputed domain name is a geographic reference. The Respondent's website (like other hotel and travel websites) includes advertisements for hotels in the greater Seattle region, mentioning their distance from the Complainant's airport. The Respondent has not shown that it is necessary to make referential use of the Complainant's trademark in the disputed domain name to signal a website offering hotel bookings in the greater Seattle geographic region. There is a risk here of implied association as the disputed domain name is confusingly similar to the trademark, and does not include distinguishing words (such as "hotels"). Moreover, as detailed further below, that risk is heightened here where the Respondent's website includes information about the airport and obscures the Respondent's identity. Thus, the Panel does not find on these facts that the Respondent has a legitimate claim to geographic or referential fair use that minimizes the risk of implied association.

The Panel finds that 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 the Respondent was clearly aware of the Complainant and designed a website with information about the Complainant, as well as advertising hotel bookings near the Complainant's airport. The Respondent claims that the Complainant was not using the asserted common law mark that the disputed domain name closely resembles at the time of the domain name registration, but the Complainant offers proof to the contrary.¹ The composition of the disputed domain name and the commercial use of the Respondent's website are consistent with the Policy, paragraph 4(b)(iv), i.e., creating a likelihood of confusion with the complainant's mark as to source by attempting to attract Internet users to a website for commercial gain with a confusingly similar domain name.

The Panel also finds that the Respondent obscured its identity and heightened confusion as to source and affiliation on the Respondent's website, further supporting an inference of creating a likelihood of confusion. The Respondent's website is headed "Seattle Tecoma Airport" and includes the Complainant's contact information, while not identifying the Respondent. The record includes examples of customer complaints demonstrating actual customer confusion, given the inaccurate and outdated information about the Complainant included on the Respondent's website. There is no disclaimer of affiliation, and a consumer booking a hotel reservation is redirected to another site that also does not identify the site operator, with reservations effected by a third party.

The inference of bad faith registration and use is supported by a pattern of the Respondent's trademark-targeting domain name registrations used for similar travel booking sites. The following examples of domain names owned by the Respondent are drawn from those cited by the Complainant, as verified in Whois records and the online database of the United States Patent and Trademark Office ("USPTO"):

<baltimoreinternationalairport.com>, registered on November 15, 2001; at that time The State Aviation Administration of the State of Maryland held United States Registration Number 1,190,238, registered on February 16, 1982, for a combined mark featuring the words “BWI BALTIMORE/WASHINGTON INTERNATIONAL AIRPORT” (cancelled in November 2002 and replaced with other word and combined marks);

<miamiairportmia.com>, registered on February 16, 2007; the Metropolitan Dade County Aviation Department holds United States Trademark Registration Number 1,557,265, registered on September 19, 1989, for the word mark MIAMI INTERNATIONAL AIRPORT;

<portcanaveralcruiseport.com>, registered on December 12, 2012; the Canaveral Port Authority holds United States Trademark Registration Number 3,295,086, registered on September 18, 2007, for the combined mark consisting of the stylized letter “c” and the words “PORT CANAVERAL”;

<tampainternationalairporttpa.com>, registered on March 27, 2015; the Hillsborough County Aviation Authority holds the registered word mark TAMPA INTERNATIONAL AIRPORT, United States Registration Number 4,252,281, registered on December 4, 2012;

<dallasairportdfw.com>, registered on April 4, 2013; at that time the Dallas / Fort Worth International Airport Board held the registered word mark DFW AIRPORT, United States Registration Number 4,146,258, registered on May 22, 2012 (cancelled in 2022 and replaced with other word and combined marks); and

<cruiseportofneworleans.com>, registered on September 24, 2013; at that time The Port of New Orleans held United States Trademark Registration Number 3,650,156, registered on July 7, 2009, for a combined mark featuring the words “PORT OF NEW ORLEANS” (terminated in February 2016 and replaced with other word and combined marks).

On this record, 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 <seattletacomaairport.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Presiding Panelist

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Panelist

/Lynda M. Braun/

Lynda M. Braun

Panelist

Date: January 31, 2025

¹The Panel notes that in this respect, the facts of the present proceeding differ from those of the *Massport* proceeding cited above, involving the same Respondent, where the panel did not find sufficient evidence to support the complainant’s claim of common law trademark protection at the time of the disputed domain name registration.