

ADMINISTRATIVE PANEL DECISION

BravoNext SA v. bai sheng le le
Case No. D2025-0259

1. The Parties

The Complainant is BravoNext SA, Switzerland, represented by Bird & Bird Società tra Avvocati s.r.l., Italy.

The Respondent is bai sheng le le, Malaysia.

2. The Domain Names and Registrar

The disputed domain names <booster-lastminute.com>, <lastminute-click.com>, <lastminute-survey.com>, <lastminute-traveller.com>, <survey-lastminute.com>, and <traveller-lastminute.com> (the “Disputed Domain Names”) are registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2025. On January 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On January 24, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (*Redacted for privacy*) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 24, 2025, 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 January 24, 2025.

The Center verified that the Complaint together with the amendment to 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 January 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 20, 2025.

The Center appointed Nicholas Weston as the sole panelist in this matter on February 25, 2025. 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 is a Swiss company that operates an online travel agency business with the Complainant's group revenue of EUR 321 million in 2023. The Complainant is part of a corporate group with the parent company Lastminute.com N.V. The Complainant holds registrations for the trademark LASTMINUTE and variations of it around the world, including, inter alia, European Union Trade Mark No. 7200645 for the word LASTMINUTE registered on April 26, 2010, United Kingdom ("UK") Registration No. UK00002359399 for LASTMINUTE.COM registered on October 8, 2004, and UK Registration No. UK00002481352 for LASTMINUTE registered on May 27, 2011.

The Complainant owns the domain name <lastminute.com>, registered in 1998, which resolves to its main webpage.

The Respondent registered the Disputed Domain Names <booster-lastminute.com> on August 15, 2024, and all of the remaining Disputed Domain Names, <lastminute-click.com>, <lastminute-survey.com>, <lastminute-traveller.com>, <survey-lastminute.com>, and <traveller-lastminute.com> on October 24, 2024. The Disputed Domain Names each resolves to a webpage that purports to be a portal operated by the Complainant as each version displays the Complainant's trademark in the same colour scheme as used by the Complainant and contains fields to collect personal information from Internet users. Each website also includes a notice indicating "... "lastminute.com", "lastminute" [...] are protected trademarks that belong to BRAVONEXT SA [...]. All services offered on this website are provided by lastminute.com or its affiliates..." (translated from German).

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 Names.

Notably, the Complainant cites its trademark registrations for the mark LASTMINUTE and variations of it, in numerous jurisdictions, as prima facie evidence of ownership.

The Complainant contends that its rights in the mark LASTMINUTE mark predate the Respondent's registration of the Disputed Domain Names. It submits that the Disputed Domain Names <booster-lastminute.com>, <lastminute-click.com>, <lastminute-survey.com>, <lastminute-traveller.com>, <survey-lastminute.com>, and <traveller-lastminute.com> are confusingly similar to its trademark, because each is comprised of the LASTMINUTE trademark and that the addition of the hyphens and additional terms "booster", "click", "survey", and "traveller" is not sufficient to prevent a finding of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names because "[t]he Complainant has neither authorized, nor somehow given its consent to, anyone to register and use the [D]isputed [D]omain [N]ames" and that none of the circumstances set out in paragraph 4(c) of the Policy apply.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Names were, and currently are, in bad faith, contrary to the Policy and the Rules having regard to the use and distinctive nature of the Complainant's trademark, and advances the argument that the use of the Disputed Domain Names "to invite users to provide their phone numbers to create an account and log in," is use in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; and
- (iii) that the Disputed Domain Names have been registered and are 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 the Complainant's trademark and the Disputed Domain Names. 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. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any jurisdiction. [WIPO Overview 3.0](#), section 1.2.1. The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark LASTMINUTE in numerous jurisdictions.

Turning to whether the Disputed Domain Names are identical or confusingly similar to the LASTMINUTE trademark, the Panel observes that

- the Disputed Domain Name <booster-lastminute.com> is comprised of: (a) the term "booster"; (b) followed by a hyphen; (c) followed by an exact reproduction of the Complainant's trademark LASTMINUTE; and (d) followed by the generic Top-Level Domain ("gTLD") ".com".
- the Disputed Domain Name <lastminute-click.com> is comprised of: (a) an exact reproduction of the Complainant's trademark LASTMINUTE; (b) followed by a hyphen; (c) followed by the term "click"; and (d) followed by the gTLD ".com".
- the Disputed Domain Name <lastminute-survey.com> is comprised of: (a) an exact reproduction of the Complainant's trademark LASTMINUTE; (b) followed by a hyphen; (c) followed by the term "survey"; and (d) followed by the gTLD ".com".
- the Disputed Domain Name <lastminute-traveller.com> is comprised of: (a) an exact reproduction of the Complainant's trademark LASTMINUTE; (b) followed by a hyphen; (c) followed by the term "traveller"; and (d) followed by the gTLD ".com".
- the Disputed Domain Name <survey-lastminute.com> is comprised of: (a) the term "survey"; (b) followed by a hyphen; (c) followed by an exact reproduction of the Complainant's trademark LASTMINUTE; and (d) followed by the gTLD ".com".
- the Disputed Domain Name <traveller-lastminute-click.com> is comprised of: (a) the term "traveller"; (b) followed by a hyphen; (c) followed by an exact reproduction of the Complainant's trademark LASTMINUTE; and (d) followed by the gTLD ".com".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. The relevant comparison to be made is with the second-level portion of each of the Disputed Domain Names, specifically: "booster-lastminute", "lastminute-click", "lastminute-survey", "lastminute-traveller", "survey-lastminute", and "traveller-lastminute", respectively.

The Panel finds, in each case of the Disputed Domain Names, the entirety of the mark is reproduced within that respective Disputed Domain Name. Accordingly, the mark is recognizable within the Disputed Domain Names. Accordingly, each of the Disputed Domain Names is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although, in relation to the Disputed Domain Names, the additional terms may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Disputed Domain Names 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 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 disputed 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Names. 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 Names such as those enumerated in the Policy or otherwise.

The Panel notes the evidence that the Disputed Domain Names resolve to websites that clearly make reference to the Complainant’s LASTMINUTE.COM trademark and business (and claim that the services purportedly offered are provided by the Complainant or its affiliates) and display fields to collect personal information of the website’s visitors. The Panel finds that the Respondent intended to impersonate the Complainant in a phishing campaign and therefore finds that this does not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use.

Panels have held that the use of a domain name for illegal activity such as phishing, impersonation, passing off, or other types of fraud, 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 for the Disputed Domain Names.

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.

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.

In the present case, the Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Names in bad faith.

On the issue of registration, taking into account the composition and use of the Disputed Domain Names, the Panel is satisfied that the Respondent knew of and targeted the Complainant's trademark LASTMINUTE when it registered the Disputed Domain Names.

This Panel finds that there is no reason for the Respondent to have registered the Disputed Domain Names other than to trade off the reputation and goodwill of the Complainant's well-known trademark. [WIPO Overview 3.0](#), section 3.1.4.

Further, a gap of several years between registration of a complainant's trademark and respondent's registration of a disputed domain name (containing the trademark) can indicate bad faith registration. In this case, the Respondent registered the Disputed Domain Name at least 20 years after the Complainant established registered trademark rights in the LASTMINUTE mark.

On the issue of use, the Complainant's evidence is that each of the Disputed Domain Names resolves to a webpage displaying the Complainant's trademark in the same colour scheme as used by the Complainant, which was designed to collect the Internet users personal information such as their email address, password or phone number.

Panels have held that the use of a domain name for illegal activity here, alleged impersonation or passing off and phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In the circumstances, the Panel finds the Respondent's registration and use of the Disputed Domain Names constitutes bad faith under the Policy.

The Panel also observes that the Respondent appears to have been the unsuccessful respondent in one other UDRP proceeding. See, *BravoNext SA v. bai sheng le le*, WIPO Case No. [D2024-4250](#). The Panel therefore finds that that the Respondent is a repeated offender who deliberately targeted the Complainant and is engaged in a pattern of bad faith conduct that supports a further finding of bad faith against the Respondent (see [WIPO Overview 3.0](#), section 3.1.2).

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 Names <booster-lastminute.com>, <lastminute-click.com>, <lastminute-survey.com>, <lastminute-traveller.com>, <survey-lastminute.com>, and <traveller-lastminute.com> be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: March 6, 2025.