

ADMINISTRATIVE PANEL DECISION

Avista Technology, LLC v. Muhammad Usman Javed
Case No. D2025-1332

1. The Parties

The Complainant is Avista Technology, LLC, United States of America ("US"), represented by Crush & Varma Law Group, P.C., US.

The Respondent is Muhammad Usman Javed, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <cruisebookings.net> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 1, 2025. On April 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 3, 2025, 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 (The Unknown Registrant of the Domain) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 3, 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 amendment to the Complaint on April 8, 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 April 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 29, 2025. On the same date, the Respondent sent two email communications. In the first email communication, the Respondent stated he was the developer of the disputed domain name and requested information on the proceeding, and the second email communication

requested information on WIPO's intention over the disputed domain name. Accordingly, the Center acknowledged the receipt of these communications.

The Center notified the commencement of panel appointment process on April 30, 2025.

The Center appointed Anna Carabelli as the sole panelist in this matter on May 5, 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

As per undisputed evidence submitted with the Complaint, the Complainant is a US based company providing cruise booking services to an international market, through its website "www.cruisebooking.com" since October 2019.

The Complainant is the owner of the following trademark registrations for CRUISEBOOKING:

- United States trademark registration No. 5945361, CRUISEBOOKING (Figurative), registered on December 24, 2019 in Classe 39;
- International trademark registration No. 1757763, CRUISEBOOKING (Figurative), registered on July 18, 2023 in Class 39, designating numerous jurisdictions, including but not limited to Australia, European Union, Japan, The Philippines, Singapore

The Complainant also owns the domain name <cruisebooking.com>.

The disputed domain name was registered on August 20, 2024. The evidence in the Complaint shows that the disputed domain name resolved to a website mimicking the Complainant's official website, by copying portions of the Complainant's content (including references to the Complainant's domain name <cruisebooking.com>), images and by reproducing the Complainant's company name, official mailing address and phone number.

At the time of this Decision, the disputed domain name resolves to an inactive webpage displaying a notice "This Account has been suspended".

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.

Notably, the Complainant contends that:

- The Complainant has been continuously using the trademark CRUISEBOOKING since October 2019, when it started operating the domain name <cruisebooking.com>, and has acquired a significant customer base;
- The disputed domain name is confusingly similar to the Complainant's trademark, since it includes the Complainant's mark in its entirety, with addition of the letter "s" to the end;
- The Respondent has no rights or legitimate interests in respect of the disputed domain name since the Respondent's use of the disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use. In this regard, the Complainant contends that the Respondent's website at the disputed domain name (which would have been active as of March 2025) consists largely of a copy and paste of content and images from the Complainant's official website, and

reproduces the Complainant's company name, mailing address and phone numbers. The Complainant also contends that the only functioning part of the Respondent's website appears to be the part that deals with calling or providing personal information to the Respondent, which suggests a phishing scheme;

- The disputed domain name was registered and is being used in bad faith. The Complainant further contends that the Respondent copied the html coding and javascript.

Based on the above the Complainant requests the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not file a formal Response in reply to the Complainant's contentions. On April 9, 2025, the Respondent sent email communications to the Center stating that he was actually the developer of the website at the disputed domain name and did not know why he was receiving notice of the proceedings, and asking if the Center wanted to purchase the disputed domain name.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the 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.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of the Respondent's rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy above.

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.

The entirety of the mark is reproduced and recognizable within the disputed domain name, the only difference being the addition of the letter "s" to the end. 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 addition of the Top-Level Domain, such as ".net", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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.

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 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.

Furthermore, the Panel notes the nature of the disputed domain name, which combined with the content of the Respondent’s website, carry a risk of implied affiliation with the Complainant.

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 the disputed domain name is confusingly similar to the Complainant’s CRUISEBOOKING mark and to the Complainant’s domain name.

The evidence submitted with the Complaint shows that the disputed domain name resolved to an active website that largely copied the Complainant’s official website and reproduced the Complainant’s company name, mailing address, and telephone numbers.

On the balance of probabilities, and in the absence of any evidence to the contrary, the Panel concludes that the Respondent set out to target the Complainant and to deceive users by adopting a domain name that incorporates the Complainant’s trademark in its entirety (with the only difference being the addition of the letter “s” at the end), with an intention to divert Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or of a product on its website. This is evidence of bad faith under 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 <cruisebookings.net> be transferred to the Complainant.

/Anna Carabelli/

Anna Carabelli

Sole Panelist

Date: May 19, 2025