

ADMINISTRATIVE PANEL DECISION

American Cruise Lines, Inc. v. Domain Admin, Hong Kong Domain
Case No. D2025-3856

1. The Parties

The Complainant is American Cruise Lines, Inc., United States of America (“United States” or “U.S.”), represented by Cozen O'Connor, United States.

The Respondent is Domain Admin, Hong Kong Domain, China.

2. The Domain Name and Registrar

The disputed domain name <americancruiseline.com> is registered with Internet Domain Service BS Corp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 22, 2025. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 25, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 29, 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 September 30, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on October 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 27, 2025.

The Center appointed Johan Sjöbeck as the sole panelist in this matter on November 4, 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 has submitted evidence that it is the owner of the registered United States Patent and Trademark Office (USPTO) trademark AMERICAN CRUISE LINES with registration number 3019486, filed on October 14, 2004 and registered on November 29, 2005 for "Cruise ship services; transportation of passengers by ship" in class 39 with a claimed first use on July 30, 1999 and first use in commerce on October 1, 1999. In addition, the Complainant contends that the trademark has been used by the Complainant since 1972 in connection with the aforementioned services.

The Respondent registered the disputed domain name <americancruiseline.com> on May 23, 2003. At the time the Complaint was filed, the disputed domain name was resolving to an inactive webpage.

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.

Since 1972, when the Complainant first used its AMERICAN CRUISE LINES trademark, the Complainant has, and continues to be, the leading small ship luxury cruise line. Over the decades, the Complainant has grown into the largest U.S.-flagged river and coastal cruise line, with a fleet that sails exclusively within the United States. The Complainant's personalized service, fine dining, enriching onboard activities, and guided shore excursions are the hallmark of small ship cruising with the Complainant.

The Complainant has gained significant common law trademark rights in the mark AMERICAN CRUISE LINES, through the use, advertisement, and promotion of such mark in connection with the Complainant's cruise services. The Complainant has also protected its intellectual property rights by filing for and obtaining trademark registrations with USPTO.

Beyond registering the trademark, the Complainant has also spent significant resources protecting it from infringement. Here, the disputed domain name <americancruiseline.com> incorporates the identical trademark, save for the extra "s" element in the Complainant's registered trademark. Hence, the disputed domain name is virtually identical to the Complainant's trademark apart from the extra "s", which does nothing to distinguish the disputed domain name from the Complainant's trademark. Nor does the disputed domain name's use of the generic Top-Level Domain ("TLD") ".com" create a meaningful distinction from the Complainant's trademark.

In an apparent attempt to syphon off of the Complainant's goodwill in its trademark, the Respondent registered the disputed domain name on May 23, 2003 in complete disregard to the Complainant's prior rights in its trademark. The disputed domain name prominently incorporates the Complainant's trademark which will lead consumers to mistakenly believe that the disputed domain name is related to, affiliated with, or otherwise sponsored by the Complainant and its trademark. Accordingly, the disputed domain name is confusingly similar in appearance, sound, and overall commercial impression to the Complainant's trademark. In light of the foregoing, there is no doubt that the disputed domain name is confusingly similar to registered trademarks in which the Complainant has established rights.

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant, and there is no evidence to suggest that the Respondent has registered the disputed domain name to advance legitimate interests or for the bona fide offering of legitimate goods or services.

The Respondent has anonymously registered the disputed domain name in an effort to evade the consequences of registering a domain name for which he/she has no rights or legitimate interests. The use of a privacy or proxy registration service to register a domain name has led numerous panels to take the registrant's anonymity into account and draw adverse inferences. According to the registrar-provided registrant information, the Respondent in this proceeding is Domain Admin and is not commonly known as "AMERICAN CRUISE LINE". There is no evidence connecting the Respondent and the disputed domain name, and the Complainant has not authorized, licensed, or endorsed the Respondent's use of the Complainant's trademark in the disputed domain name.

There is no basis to find that the Respondent is commonly known by the disputed domain name under 4(c)(ii) of the Policy. Because the Respondent registered the disputed domain name anonymously and the website located at the disputed domain name is shuffling different unrelated content, the Respondent, as an individual, business, or other organization, cannot claim to be commonly known by the disputed domain name or similar names related thereto. The Respondent has clearly made no effort to associate himself or herself with the disputed domain name. Simply put, the Respondent cannot provide any legitimate basis for its registration of the disputed domain name that incorporates the Complainant's trademark and cannot prevail under 4(c)(i-iii) of the Policy. The entirety of the evidence demonstrates that the Respondent illegitimately registered the disputed domain name in an apparent attempt to syphon off the Complainant's goodwill in the Complainant's trademark.

The Respondent's adoption and use of the disputed domain name is in bad faith and is in willful infringement of the Complainant's prior rights. The Respondent has attempted to take commercial advantage of the Complainant's trademark and commercial reputation in order to trade off the Complainant's goodwill. The Respondent's registration and its current passive use of the disputed domain name is in bad faith. Paragraph 4(b) of the Policy expressly provides a non-exhaustive list of circumstances, when present, evidences that the registration of a domain name was in bad faith, including, "circumstances indicating that a respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trade mark or service mark or to a competitor of that the Complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name"; the respondent has "registered the domain name primarily for the purpose of disrupting the business of a competitor"; and/or "by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location." See Paragraphs 4(b)(i), (iii), and (iv) of the Policy.

The Respondent clearly had the Complainant in mind when registering the disputed domain name. The Respondent registered the disputed domain name on May 23, 2003, long after the Complainant first began using its trademark. In fact, the Complainant's trademark registrations on the Principal Register charges the Respondent with constructive knowledge of the Complainant's ownership of the trademark. See *Barney's Inc. v. BNY Bulletin Board*, WIPO Case No. [D2000-0059](#): "Under Section 22 of the United States Trademark Act, the Respondent is charged with knowledge of the Complainant's rights in its trademark" and *Trip.com, Inc. v. Daniel Deamone*, WIPO Case No. [D2001-1066](#): finding bad faith where respondent had actual and constructive notice of the Complainant's trademarks registered in the United States.

Moreover, it is apparent that the Respondent registered the disputed domain name to trade off the Complainant's goodwill in the trademark and to confuse consumers into believing that the Respondent's websites are affiliated or associated with the Complainant when that is not the case. The Respondent also concealed its true identity by registering the disputed domain name through a privacy service, which supports the inference that the Respondent registered and uses the disputed domain name in bad faith.

Here, it is apparent that the Respondent's registration and use of the disputed domain name was, and is, in bad faith in contravention of paragraphs 4(i)-(iv) of the Policy. The Respondent registered the disputed domain name in 2003, thirty-one (31) years after the Complainant first began advertising and using the AMERICAN CRUISE LINES trademark in connection with its aforementioned services in 1972. In this case, a consideration of the totality of factors compared to factors that Panels have consistently held to be relevant in finding bad faith leads to a bad faith finding in this instance, including the degree of distinctiveness and reputation of the Complainant's trademark, the Respondent's concealing its identity, and the implausibility of any good faith to which the Respondent registered or would use this disputed domain name.

The Respondent registered the disputed domain name for what appears to be an attempt to syphon the goodwill and reputation of the Complainant and its trademark. Such registration and use of the disputed domain name is in and of itself a form of opportunistic bad faith.

For the foregoing reasons, it is apparent that the Respondent's registration and use of the disputed domain name was, and is, in bad faith in contravention of paragraphs 4(i)-(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

According to 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; and
- (ii) the Respondent has no rights or legitimate interests in 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 test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant is, according to the submitted evidence, the owner of the registered trademark AMERICAN CRUISE LINES. The disputed domain name <americancruiseline.com> incorporates the Complainant's trademark in its entirety, differing only by the omission of the letter "s", which is commonly used as a plural indicator in the English language. Such a minor variation does not avoid a finding of confusing similarity under the Policy as the trademark is recognizable in the disputed domain name. It is standard practice to disregard the generic TLD under the confusingly similar test.

Having the above in mind, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark and that the Complainant has proven the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant must show that the Respondent has no rights or legitimate interests with respect to the disputed domain name. The Respondent may establish rights or legitimate interests in the disputed domain name by demonstrating in accordance with paragraph 4(c) of the Policy any of the following:

- (i) that the Respondent uses or has made preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services prior to the dispute; or
- (ii) that the Respondent is commonly known by the disputed domain name, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that 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. See [WIPO Overview 3.0](#), section 2.1.

From the submitted material, it is clear that the Complainant has not licensed, approved, or in any way consented to the Respondent’s registration and use of the trademark in the disputed domain name. Despite the length of time the disputed domain name has been registered, there is no evidence indicating that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services prior to the dispute. On the contrary, the evidence on record shows that the disputed domain name resolved to an inactive webpage at the time the Complaint was filed. In addition, at the time the Complainant was notified, the case record further indicates that the disputed domain name resolved to a webpage listing it for sale on several online marketplaces, with “buy-it-now” prices ranging from USD 9,888 to USD 13,171. Moreover, at the time of drafting this Decision, the Panel, consistent with its general powers under paragraphs 10 and 12 of the UDRP Rules and the guidance in section 4.8 of the [WIPO Overview 3.0](#), conducted limited factual research into matters of public record and observed that the disputed domain name continued to redirect to a website where it remained listed for sale. There is no evidence indicating that the Respondent intends to make a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark. Furthermore, there is no evidence indicating that it is the owner of any trademark or that it is commonly known by the disputed domain name. Although given the opportunity, the Respondent has not rebutted the Complainant’s prima facie case.

In light of the above, the Respondent has failed to invoke any circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy or otherwise, any rights or legitimate interests in respect of the disputed domain name. Hence, there is no evidence in the case that refutes the Complainant’s submissions, and the Panel finds that the Complainant has also proven the requirement under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use include without limitation:

- (i) circumstances indicating the disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the disputed domain name; or
- (ii) circumstances indicating that the disputed domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding disputed domain name, provided there is a pattern of such conduct; or
- (iii) circumstances indicating that the disputed domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the disputed domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on that website or location.

It has been argued by the Complainant that the Respondent registered the disputed domain name <americancruiseline.com> for the purpose of creating a likelihood of confusion, or at least an impression of association, between the Complainant's trademark and the disputed domain name, in an attempt to take commercial advantage of the Complainant's trademark and reputation in order to trade off the Complainant's goodwill.

The Panel notes that the Complainant is the owner of the U.S. trademark registration for AMERICAN CRUISE LINES, filed on October 14, 2004 and registered on November 29, 2005, with a claimed first use of July 30, 1999 and first use in commerce of October 1, 1999. The Complainant has further asserted, without rebuttal, that the trademark has been used continuously since 1972. Although the disputed domain name was registered on May 23, 2003, the evidence on record demonstrates that the Complainant had been using the trademark in commerce well before that date. The Panel also observes that the claimed first-use-in-commerce date, accepted by the USPTO during examination, provides persuasive evidence that the Complainant had established trademark rights through actual commercial use prior to the Respondent's registration of the disputed domain name. Furthermore, the registration of the Complainant's official domain name, <americancruiselines.com> on April 27, 1999, further supports the Complainant's claimed first use in commerce and indicates that the Complainant had established an online presence associated with the trademark well before the disputed domain name was registered. The Respondent has provided no evidence to the contrary.

In light of the foregoing, the Panel finds that, notwithstanding the fact that the Complainant's formal trademark registration post-dates the registration of the disputed domain name, the Complainant has demonstrated prior and continuous rights in the trademark through longstanding commercial use. The disputed domain name incorporates the Complainant's trademark in its entirety, with the sole variation being the omission of the letter "s". The Panel finds it reasonable to infer that the Respondent was, or should have been, aware of the Complainant and its trademark rights when registering the disputed domain name. The Panel considers that there is no plausible explanation for the Respondent's choice of the disputed domain name other than to take unfair advantage of the Complainant's established goodwill and to attract, for commercial gain, Internet users to the Respondent's website or another online location by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of that website or the products or services offered thereon.

In addition to the above, the evidence demonstrates that the disputed domain name resolves to “perfectname.com” and is listed for sale via several online marketplaces, including Sedo and GoDaddy, with “buy it now” prices ranging between USD 9,888 and USD 13,171. Consequently, given that the disputed domain name is confusingly similar to the Complainant’s trademark, the evidence indicates that the Respondent registered and has used the disputed domain name primarily for the purpose of selling it to the Complainant, as the owner of the trademark, or to one of the Complainant’s competitors, for valuable consideration in excess of the Respondent’s documented out-of-pocket costs directly related to the disputed domain name.

Furthermore, it has been established that the Respondent uses a privacy protection service to conceal its identity. While the use of such services does not, in itself, constitute bad faith, previous UDRP panels have held that, depending on the circumstances of the case, the use of a privacy protection service may be regarded as an additional indicator of bad faith.

In the absence of any evidence to the contrary, the Panel is persuaded, on the balance of probabilities and in light of the overall circumstances, that the Respondent has registered and is using the disputed domain name in bad faith. These circumstances include not only the composition of the disputed domain name and the Respondent’s use of a privacy protection service, but also the fact that the disputed domain name is offered for sale for valuable consideration in excess of the Respondent’s documented out-of-pocket costs, as well as the Respondent’s failure to reply to the Complainant’s contentions.

There is no evidence in this case that refutes the Complainant’s submissions and the Panel concludes that the Complainant has proved the requirements under paragraph 4(a)(iii) of the Policy that the disputed domain name has been registered and used in bad faith.

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 <americancruiseline.com> shall be transferred to the Complainant.

/Johan Sjöbeck/

Johan Sjöbeck

Sole Panelist

Date: November 8, 2025