

## **ADMINISTRATIVE PANEL DECISION**

Booking Holdings Inc v. David Tate, Herethereandeverwhere, Inc  
Case No. D2025-4675

### **1. The Parties**

The Complainant is Booking Holdings Inc, United States of America (“United States”), represented by PROTAKEDOWN PTE. LTD d/b/a PhishFort (“PhishFort”), Singapore.

The Respondent is David Tate, Herethereandeverwhere, Inc, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <agodarentacar.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 11, 2025. On November 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 11, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 12, 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 November 12, 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 November 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 9, 2025.

The Center appointed Evan D. Brown as the sole panelist in this matter on December 16, 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 in the business of providing travel agency, and travel information services. It has rights<sup>1</sup> in the trademark AGODA and enjoys the benefits of registration of that mark in a number of jurisdictions around the globe, including the United States (Reg. No. 3054915, registered on January 31, 2006). The Complainant claims to conduct business through its official website found at <agoda.com>.

According to the Whois records, the disputed domain name was registered on May 20, 2009. The Respondent has used the disputed domain name to set up a website purporting to facilitate car rental services.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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. The Panel finds that all three of these elements have been met in this case.

##### **A. Identical or Confusingly Similar**

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. 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. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed

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<sup>1</sup> The Complainant asserts that it "has rights" in the AGODA mark and cites to certain registrations for that mark in Japan, Republic of Korea and the United States. The Japanese and Korean registration certificates show the owner of such registrations as "A.T., Inc." and the United States registration certificate lists "AGIP, LLC". Nowhere in the materials the Complainant submitted is there a specific explanation of how the named Complainant, "Booking Holdings Inc", came to have rights in the AGODA mark. The Panel conducted limited factual research into publicly available online information (which it may do under the general powers of a panel articulated under paragraphs 10 and 12 of the Rules) and is nonetheless satisfied, particularly based on the appearance of the Complainant's corporate name in the footer of the website found at <agoda.com>, that the Complainant indeed has the rights it asserts. The Respondent has not contested the Complainant's assertion of rights in the AGODA mark.

domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the AGODA mark by providing evidence of its trademark registrations. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name incorporates the AGODA mark in its entirety with the term “rentacar”, which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s AGODA mark. See [WIPO Overview 3.0](#), section 1.8. The AGODA mark remains recognizable for a showing of confusing similarity under the Policy.

The Panel finds that the Complainant has established this first element under the Policy.

## **B. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts that it has rights in the AGODA mark that predate the registration of the disputed domain name, that the AGODA mark is distinctive, and the inclusion of this distinctive mark in the disputed domain name gives rise to a likelihood of confusion, especially given that an affiliate company of the Complainant offers rental car services.

This establishes the required prima facie case. The Respondent has not presented evidence to overcome this 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. And nothing in the record otherwise tilts the balance in the Respondent’s favor.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

## **C. Registered and Used in Bad Faith**

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

In this case, the Respondent has used the disputed domain name to create a website that purports to offer car rental services, a category of services that falls within the broader travel services industry in which the Complainant operates and which an affiliate of the Complainant directly offers. This conduct falls squarely within the example of bad faith described in paragraph 4(b)(iv) of the Policy: using a domain name to intentionally attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the website or of products or services on it.

The Panel finds that such use demonstrates the Respondent’s intent to capitalize on the goodwill associated with the AGODA mark, and that the domain name was registered and is being used in bad faith.

Accordingly, the Panel finds that the Complainant has established this third element under 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 <agodarentacar.com> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: December 30, 2025