

ADMINISTRATIVE PANEL DECISION

Historic Tours of America, Inc. v. Pavielle Babai-Pirouz, Transportainment
Case No. D2026-2985

1. The Parties

Complainant is Historic Tours of America, Inc., United States of America (“United States”), represented by Gesmer Updegrove LLP, United States.

Respondent is Pavielle Babai-Pirouz, Transportainment, United States.

2. The Domain Name and Registrar

The disputed domain name <transportainment.pro> (the “Domain Name”) is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 7, 2026. On July 8, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 8, 2026, the Registrar transmitted by email to the Center its verification response confirming that 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 Respondent of the Complaint, and the proceedings commenced on July 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2026. Respondent sent an email to the Center on August 12, 2026. The Center commenced the panel appointment process on August 18, 2026.

The Center appointed Robert A. Badgley as the sole panelist in this matter on August 19, 2026. 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

Complainant provides historic sightseeing tours. Complainant holds a registered trademark for the word mark TRANSPORTAINMENT, registered with the United States Patent and Trademark Office on August 19, 1997 under Reg. No. 2,088,491 in connection with, "Arranging and conducting sightseeing tours and charters by trolley and by train".

A Wikipedia entry for "Transportainment" identifies that term as being Complainant's registered trademark.

The Domain Name was registered on May 20, 2026. The Domain Name resolves to a website which states, "This site is currently private."

According to Complainant:

"Respondent operates a business named 'High Tech Hippie,' the website for which is found at www.hightechhippie.org. Respondent also operates numerous social media pages, including Facebook (High Tech Hippie), Instagram (@pedicabatx and @hthpedicabaustin) and YouTube (hightechhippeatx). The mailing address found on Respondent's Facebook page is believed to be invalid, as mail which Complainant sent to that address was returned undeliverable." [...]

"Respondent's only active business, 'High Tech Hippie'. is directly related to sightseeing tours."

Screenshots of Respondent's social media pages were annexed to the Complaint. Respondent has not denied being associated with these social media pages or being engaged in the sightseeing business.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name. In particular, Complainant asserts:

"Complainant's TRANSPORTAINMENT mark enjoys a strong reputation in the sightseeing industry, and it operates sightseeing tours in San Antonio, Texas, only one hour away from Respondent's business in Austin, Texas, as well as a strong internet presence on its websites. It is highly improbable that Respondent was unaware of Complainant's trademark, and Respondent knew or should have known about Complainant's trademark. UDRP panels have found that parties that operate in the same business sector and in a similar geographic location are evidence of a domain name being registered in bad faith. *Awesome Events Limited v. Ben Loyd Holmes*, WIPO Case No. [D2017-0517](#)."

B. Respondent

Respondent did not submit a formal Response. On August 12, 2026, Respondent sent the following email to the Center:

"Who exactly am I responding to? I have my attorney working on this case but the deadlines are do not [sic] work with my staff and we will not be meeting any deadlines. I'm not sure what is expected. This site isn't to book any tours which is your reason for sending the dispute, this site is for a podcast. I was confused an [sic] thought this was a scam because this site hasn't been public. I'm fine with changing the site but I don't know if I can without having access."

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel concludes, on this undisputed record, the Complainant has rights in the trademark TRANSPORTAINMENT through registration and use demonstrated in the record. The Panel also finds that the Domain Name is identical to that mark.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name. On this record, it appears that Respondent is engaged in the same general business – urban touring and transport – as Complainant. The record, including the Wikipedia page and Complainant's use of its registered TRANSPORTAINMENT mark for nearly 30 years, lead the Panel to find it more likely than not that Respondent was aware of Complainant's mark when registering the Domain Name.

Respondent's brief disavowal of a motive to impersonate Complainant or trade on the renown of Complainant's mark is not supported by any evidence. It would have been easy enough to supply some corroborating evidence to support Respondent's professed intent to use the Domain Name in connection with a podcast. Even if this assertion were supported, it would remain open to question whether such a use of the Domain Name – identical to Complainant's longstanding registered trademark – could give rise to a legitimate interest in the Domain Name.

Under these circumstances, the Panel concludes that Respondent lacks rights or legitimate interests vis-à-vis the Domain Name.

The Panel concludes that Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in “bad faith”:

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

The Panel concludes, under the Policy and on the record presented here, that Respondent has registered and used the Domain Name in bad faith. The Panel incorporates its discussion above in the “Rights or Legitimate Interests” section. In sum, the Panel finds it more likely than not that Respondent registered the Domain Name with knowledge of Complainant’s longstanding TRANSPORTAINMENT mark and did so in order to capitalize on the renown of that mark for commercial gain. As such, the Panel concludes that Respondent has registered and used the Domain Name in bad faith within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <transportainment.pro> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: August 27, 2026