

ADMINISTRATIVE PANEL DECISION

trivago N.V. v. Edward Davidson
Case No. DAU2025-0013

1. The Parties

The Complainant is trivago N.V., Germany, internally represented.

The Respondent is Edward Davidson, Australia.

2. The Domain Name and Registrar

The disputed domain name <trivago.au> is registered with Information Brokers Pty. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 3, 2025. On April 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 28, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 3, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was June 23, 2025. The Response was filed with the Center on June 20, 2025. The Complainant filed a supplemental filing on June 25, 2025.

The Center appointed Rebecca Slater as the sole panelist in this matter on July 22, 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 public company, incorporated under the laws of the Netherlands (Kingdom of the). Its principal place of business is Düsseldorf, Germany. The Complainant maintains a worldwide hotel comparison website. It operates in 190 countries (including Australia) with 54 domains worldwide.

The Complainant holds the following trade mark registrations for the TRIVAGO word mark: International Registration No. 910828 (registered August 18, 2006), International Registration No. 1211017 (registered November 18, 2013), European Union Trade Mark No. 012129565 (registered February 7, 2014) and European Union Trade Mark No. 016686065 (registered September 25, 2017) (the "Trade Mark").

The Respondent is an individual located in Australia.

The disputed domain name was registered on October 3, 2022. The website at the disputed domain name currently resolves to a WordPress blog which is titled "Hey, I'm Teddy" and states "We have a social responsibility, and it's my free expression to, report, review and, comment on my experiences, while exploring social responsibility of, Trivago in[.] (Au)stralia." The website displays a disclaimer in relation to the Complainant.

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 Trade Mark appears in its entirety in the disputed domain name.
 - The Respondent has no rights or legitimate interests in the disputed domain name.
- The Complainant has no affiliation with the Respondent and the Complainant has not licensed or authorized Respondent to use the Trade Mark. There is no evidence that the Respondent is commonly known by the disputed domain name.
- The Trade Mark has been in use since 2006 and, given its popularity, it is highly unlikely that the Respondent was unaware of the Trade Mark. The Trade Mark is an imaginary term, so its use in the disputed domain name cannot be a coincidence.

B. Respondent

Notably, the Respondent contends that:

- The Respondent paid for the domain name registration through a registrar (including for renewal and ongoing website maintenance) and has abided with the relevant policies and criteria. This illustrates good faith use and registration.
- There are no allocation criteria to determine whether a person is eligible to register in the .au namespace.
- The website at the disputed domain name is a personal website that does not trade on the Trade Mark or exploit it for commercial gain.
- The disclaimer on the website makes it clear that the Respondent is not connected to the Complainant or the Trade Mark. The Respondent submits that this constitutes reasonable and good faith use.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (i) the disputed domain name is identical or confusingly similar to a name, trade mark 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 or subsequently used in bad faith.

The onus of proving these elements is on the Complainant.

A. Procedural Issues

The Complainant submitted a supplemental filing to reply to the Respondent's Response. Paragraphs 10 and 12 of the auDRP Rules vest the Panel with the authority to determine the admissibility of the evidence, as well as, in its sole discretion, permit further statements from either of the Parties. Typically, "panels will only accept an unsolicited supplementary filing in 'exceptional' circumstances – such as where the information or evidence was unanticipated as relevant, or was unavailable, at the time of the original filing" (see section 4.6 of the Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDRP Overview 2.0")). The Panel finds that the circumstances here do not rise to the level of exceptional, and therefore decline to consider the Complainant's supplemental filing. In any event, the Panel notes that the submission would not impact the outcome of the Decision in this case.

B. Identical or Confusingly Similar

The disputed domain name is identical to the Trade Mark in which the Complainant has rights. Generally, and as is appropriate in this case, the first level domain (i.e., ".au") is disregarded (see section 1.11 of the auDRP Overview 2.0).

The Respondent does not contest this point.

The Complainant succeeds on the first element of the Policy.

C. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy provides that the Complainant must establish that the Respondent has no rights or legitimate interests in the disputed domain name. Paragraph 4(c) non-exhaustively lists circumstances that can demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

In the Panel's view, the following establish a prime facie case against the Respondent:

- The Complainant has not licensed or otherwise authorized the Respondent to use the Trade Mark.
- There is no evidence to suggest that the Respondent might be commonly known by the disputed domain name.
- The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The disputed domain name is identical to the Trade Mark and carries a high risk of implied affiliation with the Complainant. As noted at paragraph 2.6.2 of the auDRP Overview 2.0, "[...] the right to express one's views is not the same as the right to use another's name to identify oneself as the source of those views. Accordingly, use of a domain name that consists solely of the complainant's trademark/name (i.e., [...]) <trademark/name.au> for the purpose of engaging in criticism of the complainant does not, of itself, give rise to rights or legitimate interests in the domain name."

The burden of production shifts to the Respondent to provide evidence of its rights or legitimate interests under paragraph 4(c) of the Policy (see, e.g., *GlobalCenter Pty Ltd v. Global Domain Hosting Pty Ltd*, WIPO Case No. [DAU2002-0001](#)).

The Respondent has failed to provide sufficient evidence of its rights or legitimate interests in disputed domain name. The Respondent submits that it abided by all relevant policies and procedures in registering the disputed domain name. The mere fact that the Respondent was able to register the domain name does not, of itself, establish that the respondent has rights or legitimate interests in the domain name (see section 2.1.2 of the auDRP Overview 2.0).

Under these circumstances, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The second element of the Policy is satisfied.

D. Registered or Subsequently Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the disputed domain name has been registered or subsequently used in bad faith.

Paragraph 4(b)(ii) of the Policy provides that registering a domain name in order to prevent the owner of a name, trade mark or service mark from reflecting that name or mark in a corresponding domain name may be evidence of bad faith. Here, the disputed domain name consists solely of the Trade Mark, which was registered and used long before the registration of the disputed domain name. This has the effect of preventing the Complainant from reflecting its Trade Mark in a domain name in the .au namespace and is therefore evidence of bad faith (see section 3.1.2 of the auDRP Overview 2.0).

The Respondent's conduct also falls within paragraph 4(b)(iii) of the Policy, which provides that registering a domain name primarily for the purpose of disrupting the business or activities of another person may be evidence of bad faith. The Complainant does business in Australia, and the registration of the disputed domain name that consists solely of the Trade Mark is misleading and has the effect of interrupting the Complainant's business in Australia (see section 3.1.3 of the auDRP Overview 2.0). In this regard, the inherently misleading nature of the disputed domain name will almost certainly have the effect of confusing Internet users, who will be expecting to find the Complainant's Australian web presence, due to the identical composition of the disputed domain name. This is evidence of bad faith.

The Respondent submits that the existence of a disclaimer on the website to which the disputed domain name resolves constitutes good faith use. The Panel notes that, while the disclaimer is prominent, given that the disputed domain name is identical to the Complainant's trademark, which has been found to be well-known by prior panels, the existence of the disclaimer does not cure the bad faith of registering a domain name identical to the Complainant's brand, and is, in fact, evidence that the Respondent had prior knowledge of the Trade Mark.

The Panel finds the above constitutes registration of the disputed domain name in bad faith.

The Complainant succeeds on the third element of the Policy.

7. Decision

For all 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 <trivago.au> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: August 5, 2025