

## **ADMINISTRATIVE PANEL DECISION**

U.S. Travel Association v. Hathriniinguva

Case No. DCO2023-0050

### **1. The Parties**

The Complainant is U.S. Travel Association, United States of America ("United States"), represented by Wiley, Rein & Fielding, United States.

The Respondent is Hathriniinguva, India.

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

The disputed domain name <ustravelten.co> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 12, 2023. On May 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 16, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (REDACTED FOR PRIVACY, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 17, 2023, 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 May 30, 2023.

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 May 31, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 20, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 23, 2023.

The Center appointed Jeremy Speres as the sole panelist in this matter on June 27, 2023. 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 non-profit organisation with over 1,000 members representing all components of the United States travel industry, including transportation, lodging, retail, recreation, entertainment, tourism offices, and destination marketing organisations. The Complainant was established in 1941 and adopted the trade mark U.S. TRAVEL ASSOCIATION in 2009, which it has used ever since.

The Complainant owns numerous United States trade mark registrations for its mark, including trade mark registration No. 3633431 U.S. TRAVEL ASSOCIATION in class 35 with a registration date of June 2, 2009.

The Domain Name was registered on April 4, 2023, and presently resolves to a page indicating that the Domain Name's hosting account has been suspended. The Complainant's evidence establishes that the Domain Name previously resolved to a website that featured a replica of the Complainant's distinctive U.S. TRAVEL ASSOCIATION logo as well as imagery, text and structure identical, in parts, to that of the Complainant's website.

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

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

The Complainant contends that the Domain Name is confusingly similar to its U.S. TRAVEL ASSOCIATION mark, that the Respondent has no rights or legitimate interests in the Domain Name, and the Domain Name was registered and used in bad faith given that it has been used to impersonate the Complainant.

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

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

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

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

The Domain Name begins with the first and dominant part of the Complainant's mark, being "U.S. TRAVEL". Where at least a dominant feature of the relevant mark is recognisable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.7).

The Complainant has satisfied the standing requirement under paragraph 4(a)(i) of the Policy.

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

The Complainant's mark was registered and used extensively for many years prior to registration of the Domain Name. The Domain Name is confusingly similar to the Complainant's mark and the Complainant has certified that the Domain Name is unauthorised by it.

The general impression created by the Domain Name's erstwhile website, including use of the Complainant's distinctive logo and website imagery, text and structure, is one of impersonation of the Complainant. UDRP

panels have categorically held that the use of a domain name for illegal activity (e.g. impersonation) can never confer rights or legitimate interests on a respondent ([WIPO Overview 3.0](#) at section 2.13.1).

There is no evidence that any of the circumstances set out in paragraph 4(c) of the Policy, nor any others which might confer rights or legitimate interests upon the Respondent, pertain.

The Complainant has satisfied paragraph 4(a)(ii) of the Policy by virtue of having made out an unrebutted *prima facie* case ([WIPO Overview 3.0](#) at section 2.1).

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

Considering the facts canvassed above, the Domain Name's erstwhile website clearly impersonated the Complainant. In light of this and the composition of the Domain Name featuring the dominant part of the Complainant's mark, the Respondent must have had the Complainant in mind when registering and using the Domain Name. It is clear in these circumstances that the Respondent sought to impersonate the Complainant, falling squarely within paragraph 4(b)(iv) of the Policy (*Ebay Inc. v. Wangming*, WIPO Case No. [D2006-1107](#)).

The Panel's independent research establishes that mail exchange (MX) records are set for the Domain Name, enabling use for email. This raises the risk of email-based fraud, which is all the more plausible in light of the impersonation addressed above (*Statoil ASA v. Registration Private, Domains By Proxy, LLC / Eldar Saetre*, WIPO Case No. [D2018-0563](#)).

The Respondent attempted to conceal its identity in two ways. Firstly, the Respondent employed a privacy service. Secondly, once the Registrar revealed the Respondent's details underlying the privacy service, it became clear that the Respondent had used false, or at least incomplete, identifying and contact details: only a single name (without any family name) was provided, as well as incomplete street address details, borne out by the fact that the Center's courier could not deliver its notification of the Complaint to the Respondent at the provided address. In the circumstances of this case, this suggests an attempt by the Respondent to evade pursuit (*Kabushiki Kaisha Raibudo v. Kubota, A*, WIPO Case No. [D2001-0817](#)).

The Panel draws an adverse inference from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for ([WIPO Overview 3.0](#) at section 4.3).

The Complainant has satisfied paragraph 4(a)(iii) 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 Domain Name, <ustravelten.co>, be transferred to the Complainant.

/Jeremy Speres/  
**Jeremy Speres**  
Sole Panelist  
Date: July 7, 2023