

ADMINISTRATIVE PANEL DECISION

TUI AG v. Oravel Stays, Oravel Stays Ltd
Case No. DCO2025-0080

1. The Parties

The Complainant is TUI AG, Germany, internally represented.

The Respondent is Oravel Stays, Oravel Stays Ltd, India.

2. The Domain Name and Registrar

The disputed domain name <tuiferienhaus.co> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2025. On September 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 19, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 24, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Center sent a reminder on 30, 2025. The Complainant requested an extension until October 4, 2025, which was granted by the Center. The Complainant filed an amended Complaint on October 4, 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 30, 2025. The Respondent sent an email communication to the Center on November 3, 2025. The Center sent a possible settlement email to the Parties on November 4, 2025, but the Complainant did not request the suspension of the Proceedings.

The Center appointed Jeremy Speres as the sole panelist in this matter on November 20, 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 uncontested facts are as follows. The Complainant has, since at least 1999, been trading as a global tourism company under the TUI mark. The Complainant's group owns over 400 hotels, 18 cruise ships, a digital platform for more than 160,000 tours, activities and experiences, 1,200 travel agencies, five airlines with around 130 aircraft, and destination services in major holiday countries around the globe. The Complainant's TUI mark has been recognized as being well known by prior panels under the UDRP. See, for e.g., *TUI AG v. Domain Admin / MEHMET ALİ TUNÇ*, WIPO Case No. [D2014-1620](#).

The Complainant's mark is registered in many jurisdictions, including International Trademark Registration No. 1392686 TUI, registered on July 31, 2017, in classes 3, 5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 37, 38, 39, 41, 42, 43, 44, and 45, designating, amongst others, the Respondent's jurisdiction of India.

The disputed domain name was registered on October 27, 2024, and presently does not resolve to an active website. The Complainant's evidence establishes that the disputed domain name previously resolved to a website offering holiday rentals entitled "TUI ferienhaus", featuring a logo that entirely reproduces the Complainant's distinctive TUI and device logo.

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.

The Complainant contends that the Respondent acquired a temporary licence to use the "TUI Ferienhaus" trademark from a third party with whom the Complainant had concluded a licence agreement for the same mark. According to the Complaint and the evidence provided, the licensee was not permitted to register new domain names and was only allowed to use the listed domain names owned by the Complainant during the term of the agreement. The Respondent's licence ended in February 2024, long before the disputed domain name was registered.

The Complainant further contends that the disputed domain name was registered and has been used in bad faith by the Respondent, after its licence ended, in order to take advantage of confusion with the Complainant for the Respondent's commercial gain.

B. Respondent

The Respondent did not reply to the Complainant's contentions. The Respondent's informal Response was simply to state:

"The specified domain has been successfully decommissioned. This process required additional time due to the complexities associated with retiring the underlying legacy integration."

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. 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. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "ferienhaus", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

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

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's 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.

The Complainant's evidence establishes that the Respondent's licence to use the mark "TUI Ferienhaus" expired long before registration and use of the disputed domain name. The Respondent's informal Response effectively admits this, and there has been no rebuttal from the Respondent. It is therefore clear that no Respondent rights or legitimate interests can be founded upon any trademark licence it may previously have enjoyed.

The general impression created by the website to which the disputed domain name previously resolved is one of impersonation of the Complainant. UDRP panels have categorically held that the use of a domain name for illegitimate activity, here impersonation, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith. For the reasons discussed below, the Panel finds that paragraph 4(b)(iv) of the Policy is eminently applicable to this case.

Panels have held that the use of a domain name for illegal activity, here impersonation, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Considering the indicators of impersonation apparent on the Respondent's website highlighted in the Factual Background section above, as well as the other indicators discussed below, it is clear that the Respondent intended to impersonate the Complainant.

The composition of the disputed domain name, consisting of the Complainant's well known mark plus a term, "ferienhaus" (meaning "holiday home" in German), that is relevant to the Complainant's business, in and of itself suggests that the disputed domain name relates to an official presence of the Complainant. Compounded by the fact that the disputed domain name was used for services competitive with those of the Complainant, this, too, points to an intention to impersonate the Complainant.

The licence agreement which previously granted the Respondent temporary trademark usage rights expressly required the Respondent to cease all use of associated domain names post termination of the licence agreement, which terminated automatically due to effluxion of time. The licence agreement also expressly prohibited registration of any domain names other than those listed in the agreement, of which the disputed domain name was not one. In fact, the listed domain names in the agreement included <tuiferienhaus.com>, which closely resembled the disputed domain name. The licence agreement was time-limited, terminating long before registration of the disputed domain name, and this is not a case where there can be any credible doubts about whether the agreement was duly terminated or not, or whether the registration of the disputed domain name was originally authorised. The Respondent's flagrant breach of the clear and unambiguous terms of the agreement points to bad faith in these circumstances. Furthermore, the registration of the disputed domain name with the selected composition, which resembles the Complainant's domain name <tuiferienhaus.com> owned by the Complainant since 2005, for the described use, amounts on its own to bad faith registration and use under the Policy.

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

The Panel finds that the Complainant has established the third element 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 disputed domain name <tuiferienhaus.co> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: December 3, 2025