

ADMINISTRATIVE PANEL DECISION

CWI, Inc. v. Destiny Patterson

Case No. D2023-1511

1. The Parties

Complainant is CWI, Inc., United States of America (“United States” or “U.S.”), represented by Neal & McDevitt, United States of America.

Respondent is Destiny Patterson, United States.

2. The Domain Name and Registrar

The disputed domain name <camping-world.net> 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 April 6, 2023. On April 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 7, 2023, 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 Complainant on April 12, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on April 19, 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 Respondent of the Complaint, and the proceedings commenced on April 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 15, 2023.

The Center appointed Scott R. Austin as the sole panelist in this matter on May 22, 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

Without contest by Respondent, Complainant asserts in its Complaint as amended, and its Annexes attached provide evidence sufficient to support that:

Complainant with its licensees and affiliate operates one of largest sales networks in the U.S. for recreational vehicles (“RVs”), their equipment and accessories, as well as service centers under the trademark CAMPING WORLD (the “CAMPING WORLD Mark”) in which it holds exclusive rights and which it has used in the U.S. since as early as 1968. Since its formation in the mid-1960’s, Complainant has grown to over 190 retail and service locations in North America, and currently employs more than 12,000 employees to serve more than 4 million customers.

Complainant’s official website is accessed through its domain name <campingworld.com> which has operated since registration May 28, 1996 (the “Official CAMPING WORLD Website”) and is used to advertise and sell its RVs and services. Through its significant Internet presence, Complainant reaches customers throughout North America and elsewhere with its RV and camping related products and services.

In addition to its extensive rights at common law, Complainant owns trademark registrations¹ protecting the CAMPING WORLD Mark, including the following incontestable trademark registrations of record with the United States Patent and Trademark Office (“USPTO”):

United States Registration No. 930,179 for CAMPING WORLD, registered on February 29, 1972, for retail and mail-order sale of camping equipment, RVs and supplies in International Class 42, claiming a first use date of May 4, 1968; and

United States Registration No. 4,536,313 for CAMPING WORLD, registered on May 27, 2014, for a range of RVs and services in International Classes 35, 37 and 39.

The Whois record shows the disputed domain name was registered on February 16, 2023, and it resolves to a landing page which features: a website that without Complainant’s authorization reproduces its CAMPING WORLD Mark in its entirety in a large font size banner that reads “Welcome to Camping World” at the top of the landing page and in the copyright notice at the bottom. The landing page of Respondent’s website accessed through the disputed domain name also displays a welcoming image of call center operators, provides the functionality of a chat feature and a “Subscribe” feature which solicits consumers to provide their email address to “Sign up to hear from us about specials, sales, and events” and purportedly collects personal information under the guise of what appears to be a clear attempt to impersonate Complainant and provide Respondent with the ability to collect information to use for fraudulent phishing or otherwise unlawful purposes.

5. Parties’ Contentions

A. Complainant

Complainant contends that the disputed domain name is confusingly similar to Complainant’s trademark; that 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

Respondent did not reply to Complainant’s contentions.

¹ The Panel notes that, according to the information available in the records of the USPTO, at least several of Complainant’s trademark registrations reflect a change in Complainant’s corporate form (e.g.,: “entity conversion”) from CWI, Inc to CWI, LLC.

6. Discussion and Findings

In view of Respondent's failure to submit any Response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable, and supported, allegations and inferences set forth in the Complaint as true, unless the evidence is clearly contradictory.

Where no substantive Response is filed, however, Complainant must still make out its case in all respects under paragraph 4(a) of the Policy. To succeed, Complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied.

The Panel will address its findings on each of these elements in more detail below.

The standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. See, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.2.

A. Identical or Confusingly Similar

Ownership of a nationally registered trademark constitutes *prima facie* evidence that the complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Complainant claims registered trademark rights in the CAMPING WORLD Mark for its RV products and services dating back to 1972 and through the extensive and longstanding use of the mark in commerce. Sufficient evidence has been submitted in the form of electronic copies of valid and subsisting national trademark registration documents in the name of Complainant referenced in Section 4. Complainant has demonstrated, therefore, that it has rights in the CAMPING WORLD Mark required under the Policy. See *Horten Advokatpartnerselskab v. Domain ID Shield Service CO., Limited / Krutikov Valeriy Nikolaevich et al.*, WIPO Case No. [D2016-0205](#); see also *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#).

Complainant's evidence submitted in the Complaint and its Annexes relating to the disputed domain name shows that the disputed domain name clearly and prominently encompasses Complainant's CAMPING WORLD Mark in full with only the addition of a hyphen and the trailing generic Top-Level Domain ("TLD"), ".net". Complainant contends, therefore, that the CAMPING WORLD Mark remains fully recognizable in the disputed domain name and is essentially identical to Complainant's CAMPING WORLD Mark.

Prior UDRP panels have held that a domain name which wholly incorporates a complainant's registered mark is sufficient to establish identity or confusing similarity for purposes of the Policy. [WIPO Overview 3.0](#), section 1.8; see also *Meta Platforms, Inc., Instagram, LLC, WhatsApp, LLC v. Domains By Proxy, LLC / Emir 100k / fdsf dfsds / Instagram help, Instagram Yardim Merkezi / rasimcan yilmaz, serverbutik / mami qwe, sirket, Lara Lala, arda bozkyrt, Abuz Hamal, AbuzMemo Medya, ahmet kaplan, asddasa, adem can, qwe, dusny turker, dakjKJDAKJDKJAS, Kaan Yavuz, aslan sokak, adem kaya, Mdsksndishs dwnsksbe, flores russel, fff ffff, ahmet xd, hestia, Demet Karakus, Kerimhan Duman, Gizem ayyildiz, gurkan kaya*, WIPO Case No. [D2022-0212](#). Prior UDRP panels have also found that punctuation and diacritical marks such as the hyphen between the two terms comprising Complainant's CAMPING WORLD Mark do not prevent a finding of confusing similarity. See *L'Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang*, WIPO Case No. [D2011-1627](#). Further, the addition of a generic TLD "is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test". [WIPO Overview 3.0](#), Section 1.11.1.

Complainant's well-known CAMPING WORLD is fully recognizable as it is incorporated into the disputed domain name in its entirety. Accordingly, the Panel finds the disputed domain name confusingly similar to

the CAMPING WORLD Mark in which Complainant has rights and Complainant has thus satisfied its burden under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under the second element of the Policy, the complainant has to make out a *prima facie* case that the respondent does not have rights to or legitimate interests in the disputed domain name, upon which the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights to or legitimate interests in the dispute domain name. If the respondent fails to come forward with such evidence, a complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1. See also, *Virgin Enterprises Limited v. KAP Computer Solutions Pvt. Ltd.*, WIPO Case No. [D2013-0715](#); and *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#).

Complainant has established, *prima facie*, that Respondent lacks rights or legitimate interests in the disputed domain name. First, Complainant asserts that there has never been any relationship between the Complainant and Respondent that would give rise to any license, sponsorship, permission or authorization for Respondent to use or register the disputed domain name or to use Complainant's CAMPING WORLD Mark in a domain name, at any website, or for any other purpose. Prior UDRP panels have held "[i]n the absence of any license or permission from Complainant to use its trademark, no actual or contemplated *bona fide* or legitimate use of the Disputed Domain Name could reasonably be claimed". *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#); see also *Cartier International A. G. v. Blogger Pty Ltd, Publishing Australia*, WIPO Case No. [DAU2013-0037](#).

Paragraph 4(a)(ii) of the Policy also directs an examination of the facts to determine whether a respondent has rights or legitimate interests in a domain name. Paragraph 4(c) lists a number of ways in which a respondent may demonstrate that it does have such rights or legitimate interests.

The first example, under paragraph 4(c)(i), is where "before any notice to you 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".

Here, the annex to the Complaint shows the disputed domain name resolves to a page prominently displaying Complainant's CAMPING WORLD Mark with content and features noted in Section 4 above from which it is reasonable for this Panel to conclude that Respondent set up a website to impersonate Complainant for the illegitimate purpose of surreptitiously phishing for consumer data and redirecting Complainant's prospective customers to Respondent's website for Respondent's own commercial benefit by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation or endorsement of Respondent's site. Complainant contends that such use is not *bona fide* given the well-known status in the U.S. where Respondent is ostensibly located, and the unique configuration of the CAMPING WORLD Mark, but was created to confuse Internet users into believing that the disputed domain name would direct them to an official website offering Complainant's products and services. Complainant's serious allegation of Respondent's use of the website at the disputed domain name to phish for personal information, such as email addresses, has not been rebutted, and the evidence shows indeed a field to introduce an email address to subscribe in order to get information "about specials, sales, and events".

Prior UDRP panels have specifically found use of a disputed domain name capitalizing on a complainant's trademark to resolve to a website for illegitimate or fraudulent purposes such as for the sale of infringing products or phishing for consumer personal information does not represent a *bona fide* use of the disputed domain name pursuant to paragraph 4(c)(i) nor a legitimate noncommercial or fair use pursuant to paragraph 4(c)(iii). See, *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. [D2000-0847](#); see also *Valentino S.p.A. v. Qiu Yufeng, Li Lianye*, WIPO Case No. [D2016-1747](#); [WIPO Overview 3.0](#), section 2.13.1.

Based on the foregoing decisions and evidence submitted, this Panel finds the disputed domain name is not being used in connection with a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use sufficient to demonstrate Respondent has any rights or legitimate interests in the disputed domain name under the factors specified by paragraphs 4(c)(i) or (c)(iii) of the Policy.

Complainant's evidence of use in the Complaint as amended, also supports Complainant's contention that Respondent cannot claim prior rights or legitimate interest in the disputed domain name because Complainant's use and registration of the CAMPING WORLD Mark precedes the registration of the disputed domain name by decades.

The second example, under paragraph 4(c)(ii), is a scenario in which a respondent is commonly known by the domain name. Complainant shows that Respondent is not commonly known by the disputed domain name because the Registrar identified the underlying registrant information in its verification process as "Destiny Patterson", ostensibly of the United States based on the apparent postal address submitted by Respondent, which name and address Complainant named as Respondent in its amended Complaint. Respondent does not bear any resemblance to the disputed domain name whatsoever. Thus, there is no evidence in this case to suggest that Respondent is commonly known by the disputed domain name, that it is licensed or otherwise authorized to use Complainant's trademark, or that it has acquired any trademark rights relevant thereto. As such, the Panel finds this sub-section of the Policy is of no help to Respondent and the facts presented here support a finding of a lack of rights or legitimate interests in the disputed domain name. See *Confédération nationale du crédit mutuel v. Yu Ke Rong*, WIPO Case No. [D2018-0948](#); *Expedia, Inc. v. Dot Liban, Hanna El Hinn*, WIPO Case No. [D2002-0433](#).

Complainant has presented a *prima facie* case showing that Respondent does not have rights or legitimate interests in the disputed domain names. The Panel notes that Respondent has not submitted a Response in this proceeding, much less provided the Panel with any evidence set forth in paragraph 4(c) of the Policy from which the Panel might conclude Respondent has rights or legitimate interests in the disputed domain name. As such, Respondent has failed to rebut Complainant's *prima facie* case.

The Panel finds, therefore, that Complainant has successfully met its burden and that the Complaint succeeds under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Because Complainant's CAMPING WORLD Mark is a nationally well-known RV brand, it is implausible to believe that Respondent was not aware of that mark when it registered its confusingly similar disputed domain name to access a website for an illegitimate and unlawful purpose of phishing for consumer personal data for Respondent's commercial benefit. In the circumstances of this case, where Respondent registered the disputed domain name to engage in *per se* illegitimate activity, such a showing is sufficient to establish bad faith registration. See, [WIPO Overview 3.0](#), section 3.1.4.

Bad faith use is clear from Respondent's website accessed through the disputed domain name, created for the purposes of perpetrating fraud to confuse consumers to visit Respondent's fake site to offer up their personal information in exchange for "specials, sales, and events" offered under Complainant's registered CAMPING WORLD Mark at Respondent's website suggesting an affiliation with Complainant as discussed in detail in 6.B. above. Given the evidence on file that shows use of the disputed domain name to engage in this apparent fraudulent phishing scheme against Complainant hijacking Complainant's CAMPING WORLD Mark for its RV products and services, without any evidence or explanation on the contrary by Respondent, the Panel finds bad faith use. See *Graybar Services Inc. v. Graybar Elec, Grayberinc Lawrence*, WIPO Case No. [D2009-1017](#).

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, <camping-world.net>, be transferred to Complainant.

/Scott R. Austin/

Scott R. Austin

Sole Panelist

Date: June 9, 2023