

ADMINISTRATIVE PANEL DECISION

CWI, Inc. v. Judy Thompson
Case No. D2023-3533

1. The Parties

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

The Respondent is Judy Thompson, United States.

2. The Domain Name and Registrar

The disputed domain name <campingworld.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 22, 2023. On August 22, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 22, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 23, 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 August 29, 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 October 2, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 25, 2023.

The Center appointed Kathryn Lee as the sole panelist in this matter on October 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 retailer of recreational vehicles, RV equipment, and related accessories with over 190 retail and service locations in North America. It currently employs more than 12,000 employees and serves more than 4 million customers under the CAMPING WORLD trademark which it has used since around 1968. The Complainant owns trademark registrations for CAMPING WORLD marks including the following:

- CAMPING WORLD text mark: United States Trademark Registration Number 4,536,313 registered on May 27, 2014;
- CAMPING WORLD and Device mark: United States Trademark Registration Number 4,536,315 registered on May 27, 2014; and
- CAMPING WORLD and Device mark: United States Trademark Registration Number 4,532,411 registered on May 20, 2014.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on July 20, 2023 and does not resolve to any active website but was apparently used to create an email address through which the Complainant's customer was contacted seeking payment.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the CAMPING WORLD trademark in which the Complainant has rights since the disputed domain name is identical to the CAMPING WORLD mark except that it consists of an intentional misspelling of the CAMPING WORLD mark in which a letter "i" is substituted with the letter "l".

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant further contends that there is no evidence of the Respondent's use of, or demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. The Complainant contends that as the CAMPING WORLD mark is a well-known mark, it is implausible for the Complainant to have been unaware of the Complainant and its CAMPING WORLD mark when registering the disputed domain name. The Complainant also contends that the disputed domain name was used to create an email address mimicking the email address of one of its key employees, through which the Respondent contacted the Complainant's customer purporting to be the Complainant with instructions for making a payment for the purchase of an RV. The Complainant further contends that the Respondent's use of a privacy service to hide its identity is additional evidence of bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated with supporting evidence that it has rights to the trademark CAMPING WORLD. As for the disputed domain name, it is composed of the exact same letters as the Complainant's mark, except that a letter "i" is replaced with the letter "l" which is similar in appearance at a quick glance, especially embedded within a word. According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9, "[a] domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element" and an example of such a misspelling is "substitution of similar-appearing characters". Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark.

For the reason mentioned above, the Panel finds that the first element has been established.

B. Rights or Legitimate Interests

On the basis of the record as set out above, the Panel finds that the Complainant has made the required allegations to support a prima facie case showing that the Respondent has no rights or legitimate interests in the disputed domain name. Once such a prima facie case has been established, the burden of production shifts to the Respondent to demonstrate its rights or legitimate interests in the disputed domain name, with the burden of proof always remaining with the Complainant. However, the Respondent in this case has chosen to file no Response to these assertions by the Complainant, and there is no evidence or allegation in the record that would warrant a finding in favor of the Respondent on this point. Moreover, the inherent misleading nature of the typosquatting disputed domain name reflects the Respondent's intent to confuse Internet users, which cannot confer rights or legitimate interests upon the Respondent.

For the reasons provided above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the second element has been established.

C. Registered and Used in Bad Faith

The Panel finds that there is sufficient evidence to find bad faith in this case.

The Panel finds that it is unlikely the Respondent did not know about the Complainant prior to registering the disputed domain name. Indeed, when a search for "campingworld" is conducted on an Internet search engine, all the results relate to the Complainant and the goods and services relating to its CAMPING WORLD mark. The disputed domain name is moreover an obvious misspelling of the Complainant's mark and the Respondent most likely registered the disputed domain name with the intention of benefiting from the fame of the Complainant's mark in some way.

The Complainant has claimed that the Respondent used the disputed domain name to contact the Complainant's customer to perpetuate fraud. The Panel also notes that there is no use of the disputed domain name to host a website. From the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding (see [WIPO Overview 3.0](#), section 3.3). Considering the reputation of the Complainant's trademark, the failure of the Respondent to submit a response, the Respondent's use of a privacy service to hide his identity, and the implausibility of any good faith use the disputed domain name – a typo of the Complainant's mark – may be put, the Panel finds that that the Respondent has also used the disputed domain name in bad faith.

For the reasons given above, the Panel finds that the third element has been established.

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 <campingworld.com> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: November 16, 2023