

## **ADMINISTRATIVE PANEL DECISION**

Hostelworld.com Limited v. Privacy service provided by Withheld for Privacy ehf / Dwyte Maximin  
Case No. D2022-3346

### **1. The Parties**

The Complainant is Hostelworld.com Limited, Ireland, represented by Tomkins & Co, Ireland.

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / Dwyte Maximin, Saint Lucia.

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

The disputed domain name <hstelworld.com> (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 September 8, 2022. On September 9, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 9, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on September 12, 2022, 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 September 12, 2022.

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 September 13, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 4, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on October 11, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant offers online accommodation reservation services, including travel agent services, hostel, and accommodation booking services. The Complainant's website ("www.hostelworld.com") was launched in 1999 and has grown to one of the largest of its kind, available in 23 languages, and with some 70 million visits yearly. The webpage lists some 36,000 properties in more than 178 countries. The Complainant's gross sales in 2019 was EUR 43,200,000.

The Complainant owns trademarks for HOSTELWORLD and HOSTELWORLD.COM in many jurisdictions, such as United States Registration Number 4305641 for HOSTELWORLD, registered on March 19, 2012, International trademark registration number 899896 for HOSTELWORLD.COM, registered on August 23, 2006, and European Union trademark registration number 009273947 for HOSTELWORLD.COM, registered on January 7, 2011 (collectively, the "Complainant's trademark"). The Complainant has presence on all major social media including Twitter, Facebook, YouTube and Instagram, and has won numerous awards for its webpage.

At the time of the Complaint, the Complainant asserts that the Domain Name redirected to the Complainant's primary website. At the time of drafting the Decision, the Domain Name redirects to a search engine webpage, searching the term "hostel". The Domain Name was registered on June 11, 2022.

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

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

The Complainant provides evidence of trademark registrations and argues that its trademark is well-known and famous. The Complainant submits that the Domain Name is identical to the dominant portion of the Complainant's trademark, except from one letter "o" replaced by the adjacent keyboard letter "l". The Complainant submits that the Domain Name is an obvious and intentional misspelling of the Complainant's trademark.

The Complainant asserts that it has never authorized or licensed the Respondent to use its trademark. There is no evidence indicating that the Respondent has any trademark rights to or has been commonly known by the Domain Name. The Respondent's use of the Domain Name – redirecting to the Complainant's primary website – cannot be considered *bona fide*. Typosquatting is a clear indication of a lack of rights or legitimate interests, and the redirection demonstrates fraudulent intent by the Respondent.

The Complainant submits that the Respondent knew of the Complainant prior to registering the Domain Name. The registration of a domain name that is confusingly similar to a well-known trademark by an entity that has no relationship to the proprietor of the well-known mark is itself a clear indication of a bad faith. The same goes for typosquatting. The Complainant submits that the Respondent knew about the Complainant and made a deliberate and opportunistic attempt to create a likelihood of confusion with the Complainant's trademark. The use of a privacy registration service is a further indication of bad faith.

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

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

## 6. Discussion and Findings

In view of the absence of a formal Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent.

### A. Identical or Confusingly Similar

The Complainant has established that it has rights in the Complainant's trademark. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name incorporates the Complainant's trademark except for one letter "o" replaced by the adjacent keyboard letter "l". This change does not prevent a finding of confusing similarity between the Domain Name and the trademark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"). See [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy

### B. Rights or Legitimate Interests

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register a domain name containing the Complainant's trademark or otherwise make use of the Complainant's trademark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered rights. There is no evidence that the Respondent has been commonly known by the Domain Name.

The Respondent has not provided any evidence of good faith use of the Domain Name. The use of the Domain Name cannot be considered a *bona fide* offering, but rather evidence of bad faith, see below.

Accordingly, the Panel finds that the Complainant has established an unrebutted *prima facie* case that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

The Panel finds that the Respondent was aware of the Complainant when the Respondent registered the Domain Name, based on the fame of the Complainant's trademark, registered in numerous jurisdictions long before the Domain Name, and the composition of the Domain Name. The Panel agrees with the Complainant that the evidence, including redirection to the Complainant's website and later an Internet search of the term "hostel", points to typosquatting, which constitutes clear evidence of bad faith registration. The Respondent's intent in registering the Domain Name was most likely to profit in some fashion or exploit the reputation of the Complainant's trademark, by creating a likelihood of confusion with the Complainant's trademark. Moreover, such redirection of the Domain Name supports a finding of bad faith use in these circumstances. See [WIPO Overview 3.0](#), section 3.1 and 3.1.4.

The Respondent has provided no evidence of any actual or contemplated good faith use. The Panel cannot see any plausible actual or contemplated active good faith use of the Domain Name (a typo of the relevant mark) by the Respondent.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of 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 <h1stelworld.com> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: October 18, 2022