

## **ADMINISTRATIVE PANEL DECISION**

Hostelworld.com Limited v. Domain Administrator, Registrant of hosteworld.com, Registrant of hosfelworld.com, Registrant of hoxtelworld.com, Registrant of hostelwoorld.com / chen xiansheng, chenxiansheng  
Case No. D2022-3519

### **1. The Parties**

The Complainant is Hostelworld.com Limited, Ireland, internally-represented.

The Respondent is Domain Administrator, Registrant of hosteworld.com, Registrant of hosfelworld.com, Registrant of hoxtelworld.com, Registrant of hostelwoorld.com, United Kingdom / chen xiansheng, chenxiansheng, Singapore.

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

The disputed domain names <hosfelworld.com>, <hostelwoorld.com>, <hosteworld.com> and <hoxtelworld.com> are all registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 22, 2022. On September 23, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 26, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names, which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on September 27, 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 28, 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 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 18, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 19, 2022.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on October 22, 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 by the Center to ensure compliance with the Rules, paragraph 7.

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

The Complainant provides online accommodation services, including travel agent services, hostel and accommodation booking services, and related services since 1999 through the domain name <hostelworld.com>, registered on May 12, 1999, currently listing over 36,000 properties in more than 178 countries and available in 23 languages.

The Complainant is the owner, amongst others, of the following trademark registrations:

- European Union Trademark Registration No. 009273947 for HOSTELWORLD.COM, filed on July 26, 2010, registered on January 7, 2011, in class 35, successively renewed;
- European Union Trademark Registration No. 014096697 for HOSTELWORLD, filed on May 19, 2015, registered on October 5, 2016, in classes 35, 39, 41, and 43;
- International Trademark Registration No. 899896 for HOSTELWORLD.COM, registered on August 23, 2006, in classes 39 and 43, successively renewed;
- International Trademark Registration No. 1265596 for HOSTELWORLD, registered on May 20, 2015, in classes 35, 39, 41, and 43; and;
- United States of America Trademark Registration No. 4305641 for HOSTELWORLD, filed on October 14, 2010, registered on March 19, 2013, in class 35.

The disputed domain names <hosfelworld.com>, <hostelwoorld.com>, <hosteworld.com> and <hoxtelworld.com> were all registered on August 11, 2022, and presently resolve to parked pages in Chinese language, displaying pay-per-click ("PPC") links.

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

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

The Complainant submits that the HOSTELWORLD trademark is inherently distinctive of the Complainant's services and it has acquired further distinctiveness by virtue of continuous and extensive use since 1999, thus, having become the world's number one hostel booking website as well as an internationally recognized leader of online hostel booking services and tourism related services provider under the well-known HOSTELWORLD trademark. The Complainant further states to have received many awards amongst which the "Most Trusted Hostel-Booking Website" by Lonely Planet and to have made 18,900,000 bookings just in the period comprising 2015-2019.

According to the Complainant, the disputed domain names are visually, phonetically and conceptually confusingly similar to the Complainant's trademarks in which it has established rights, only differing to the Complainant's trademarks by one letter, characterizing an obvious and intentional misspelling of the Complainant's trademarks and a prime example of deliberate and opportunistic typo-squatting.

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain names given that:

- (a) the Respondent has not received authorisation from the Complainant to use the Complainant's trademarks;
- (b) the Respondent is not commonly known by the disputed domain names;
- (c) the Respondent is not affiliated with the Complainant in any way;
- (d) the Respondent does not hold any proprietary rights (registered or common law) in or to the marks HOSTEWORLD, HOSFELWORLD, HOXTELWORLD, HOSTELWOORLD and HOSTEWORLD.COM, HOSFELWORLD.COM, HOXTELWORLD.COM, HOSTELWOORLD.COM or any other similar sign, term, phrase or symbol;
- (e) there is no evidence demonstrating the Respondent's use, nor demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a *bona fide* offering of goods or services; and
- (f) the Respondent's use of the disputed domain names in connection with parked pages displaying PPC links cannot constitute a *bona fide* offering of goods or services in accordance with paragraph 4(c)(i) of the Policy given that the Respondent is seeking to profit from the Complainant's goodwill and renown to attract Internet users to its websites for financial gain.

As to the registration of the disputed domain names in bad faith the Complainant asserts that the Respondent knew or should have known of the Complainant's trademark rights at the time of the registration of the disputed domain names considering the well-known status of the Complainant's trademark, continuously in use since 1999.

The Complainant further contends that the Respondent's use of the disputed domain names is clearly intended for commercial gain, in accordance with paragraph 4(b)(iv) of the Policy, as they are pointing to an advertising website displaying PPC links, thus seeking to capitalize on the goodwill and fame of the Complainant's trademark by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of its websites.

Lastly, the Complainant submits that the concealing by the Respondent of its identity through the use of a privacy registration service is a further indication of the registration and use of the disputed domain names in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets forth the following three requirements which have to be met for this Panel to order the transfer of the disputed domain names to the Complainant:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present so as to have the disputed domain names transferred to it, according to paragraph 4(a) of the Policy.

## A. Identical or Confusingly Similar

The Complainant has established rights in the HOSTELWORLD and HOSTELWORLD.COM trademarks duly registered in several countries around the world (Annex 3 to the Complaint).

The Panel finds that the disputed domain names <hosfelworld.com>, <hostelwoorld.com>, <hostewlorld.com> and <hoxtelworld.com> differ from the Complainant's HOSTELWORLD.COM trademark by one letter and from the Complainant's HOSTELWORLD trademark by one letter and the Top-Level Domain ".com", which does not avoid a finding of confusing similarity under the Policy which, as recognized by past UDRP panels, involves a "comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name" (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, "[WIPO Overview 3.0](#)", section 1.7).

The first element of the Policy has therefore been established.

## B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exclusive list of circumstances that may indicate the Respondent's rights to or legitimate interests in the disputed domain names. These circumstances are:

- (i) before any notice of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain names, in spite of not having acquired trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel notes that the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names. The burden of production has therefore shifted to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests.

The Respondent, in not formally responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences from default as it considers appropriate pursuant to paragraph 14(b) of the Rules.

In that sense, the Complainant states that the Respondent is not affiliated with the Complainant in any way, nor has the Respondent received authorisation from the Complainant to use the Complainant's trademarks.

Also, the absence of any trademarks or trade names registered by the Respondent corresponding to the disputed domain name, or any possible link between the Respondent and the disputed domain name, that could be inferred from the details known of the Respondent or the webpage relating to the disputed domain names, corroborate with a finding as to the absence of a right or legitimate interest.

Indeed the Respondent is using the disputed domain names in connection with parked webpages displaying PPC links, which cannot be considered here a *bona fide* offering of goods or services under the Policy as the Respondent is capitalizing on the reputation and goodwill of the Complainant's marks or otherwise misleading Internet users.

Therefore, the Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain names. The second element of the Policy has also been met.

### C. Registered and Used in Bad Faith

This case presents the following circumstances which indicate bad faith registration and use of the disputed domain names:

- a) the Complainant's trademarks are registered worldwide and are well known;
- b) the Respondent's selection of multiple domain names all of which consist of an obvious and intentional misspelling of the Complainant's trademarks and domain name <hostelworld.com>;
- c) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain names;
- d) the concealment of the Respondent's identity behind a privacy protection service;
- e) the Respondent's indication of a false physical address to which the Center's communications could not be delivered; and
- f) the Panel also notes that the Respondent appears to have been involved in various other UDRP proceedings where bad faith was established (*Arkema France v. Domain Administrator, Registrant of elium-composites.com / chen xiansheng, chenxiansheng*, WIPO Case No. [D2022-2831](#), *Télévision Française 1 v. Domain Administrator / chen xiansheng, chenxiansheng*, WIPO Case No. [D2022-2472](#), *Aldi Stores Limited, Aldi GmbH & Co. KG v. Domain Administrator, Registrant of aldisstore.com / Chen Xiansheng*, WIPO Case No. [D2022-1872](#), *Vanity Number Leasing, LLC v. Domain Administrator, Registrant of 411painlawyers.com / chen xiansheng*, WIPO Case No. [D2021-4232](#), *Boursorama S.A. v. Domain Administrator, Registrant of boursorama.com / chen xiansheng*, WIPO Case No. [D2021-4128](#), *24 Hour Fitness USA, LLC v. chen xiansheng, gname*, WIPO Case No. [D2021-2665](#), and *Canopus Services Limited v. Chen Xiansheng, Mr. Chan*, WIPO Case No. [D2014-0293](#)).

For the reasons above, the Respondent's conduct has to be considered, in this Panel's view, as bad faith registration and use of the disputed domain names pursuant to paragraph 4(b)(iv) 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 names, <hosfelworld.com>, <hostelwoorld.com>, <hosteworld.com> and <hoxtelworld.com>, be transferred to the Complainant.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: November 7, 2022