

## ADMINISTRATIVE PANEL DECISION

Trivago N.V. v. cai shen  
Case No. D2023-1953

### 1. The Parties

The Complainant is Trivago N.V., Germany, internally represented.

The Respondent is cai shen, Malaysia.

### 2. The Domain Names and Registrar

The disputed domain names <trivago-platform.com>, <trivago-rating.com>, <trivago-rp.com>, <trivago-server-01.com>, <trivago-web.com> are registered with Gname.com Pte. Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 19, 2023. On May 2, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 4, 2023, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 4, 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 May 5, 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 May 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 16, 2023.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on June 20, 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 German company. It operates on the market under the trademark TRIVAGO since 2006. The Complainant does business in about 190 countries and owns more than 50 domain names worldwide. The Complainant is publicly listed on the NASDAQ.

The Complainant owns the international trademark registration number 910828, for TRIVAGO, in classes 35, 38, 39 and 42. This trademark was registered in the name of the Complainant's legal predecessor on August 18, 2006. In addition, the Complainant applied for national trademarks worldwide. The Complainant's registrations cover price comparison services; travel booking; travel reservation and booking; reservation services (travel); organization of travel events and trips.

The Complainant is holder of numerous TRIVAGO-websites worldwide. For example, the website at the domain name <trivago.sg> was registered on June 1, 2012.

The disputed domain names were registered on March 30, 2023. The disputed domain names <trivago-platform.com>, <trivago-rating.com>, <trivago-rp.com>, and <trivago-server-01.com> resolved to websites prominently displaying the Complainant's trademark and requiring the user's account details. The disputed domain name <trivago-web.com> apparently did not resolve to any active website. However, the Complainant received an inquiry from consumer asking whether the disputed domain names <trivago-web.com> belong to the Complainant. Similarly, the Complainant received communications from several consumers to report fraudulent practices regarding the disputed domain names <trivago-rating.com>, <trivago-server-01.com>, and <trivago-platform.com>.

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

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

The Complainant contends that the extensions ("-web", "-platform", "-server-01", "-rating" and "-rp" present in the disputed domain names should be ignored in accordance with prior UDRP decisions.

The Complainant argues that the trademark TRIVAGO appears in its entirety in the disputed domain names. As a result, the disputed domain names are still to be considered to be identical to the Complainant's trademark.

The Complainant has taken screenshots of the Respondent's websites, to show the Respondent's attempt to mislead consumers and to take advantage of the Complainant's reputation and goodwill.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain names and that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain names. The Complainant further contends that the Respondent has contacted the users by sending them a link to the disputed domain names' websites as a job offer, asking them to create an account and to top up that account via crypto currency in order to get a commission.

Moreover, the Complainant stresses that the Respondent is not commonly known by the name "trivago".

According to the Complainant, it has prior rights over the trademark TRIVAGO, and has not authorized the registration and use of the disputed domain names, nor the use of its trade name and trademarks by the Respondent.

The Respondent is not affiliated to or authorized by the Complainant to use or register the disputed domain names.

The Complainant's intellectual property rights for TRIVAGO predate the registration of the disputed domain names.

The Complainants also argue that the Respondent has clearly registered the disputed domain name to target the Complainants' brand and that the registration of the disputed domain name was therefore conducted in bad faith. Finally, the Complainant argues that the use of the disputed domain names is clearly in bad faith, as the Respondent presented itself as an affiliated party of the Complainant.

The Complainant requests the transfer of the disputed domain names to its name.

## **B. Respondent**

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

## **6. Discussion and Findings**

As per paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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 is being used in bad faith.

Based on the evidence and arguments submitted, the Panel's findings are as follows:

### **A. Identical or Confusingly Similar**

The evidence demonstrates that the Complainant is the owner of several trademark registrations for TRIVAGO in many jurisdictions.

The disputed domain names incorporate the Complainant's trademark TRIVAGO in its entirety, with the addition of "-web", "-platform", "-server-01", "-rating" and "-rp". The addition of these terms does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's trademarks.

As numerous prior UDRP panels have recognized, the incorporation of a trademark in its entirety or a dominant feature of a trademark is sufficient to establish that a domain name is identical or confusingly similar to the complainant's mark. See section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

The Panel finds that paragraph 4(a)(i) of the Policy has been proved by the Complainant, *i.e.*, the disputed domain names are confusingly similar to the Complainant's trademark TRIVAGO.

### **B. Rights or Legitimate Interests**

The Respondent has not submitted a response to the Complaint.

There is no evidence that the Respondent has any authorization to use the Complainant's trademarks or to register domain names containing the Complainant's trademark TRIVAGO.

There is no evidence that the Respondent is commonly known by the disputed domain names.

There is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed

domain names or that before any notice of the dispute, the Respondent has made 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.

The nature of the disputed domain names themselves is such to carry a risk of implied affiliation that cannot constitute fair use, with the addition of terms related to the Complainant's activities "-web", "-platform", "-server-01", "- rating" and "-rp". See section 2.5.1 of the [WIPO Overview 3.0](#).

The Panel finds that the use of the disputed domain names, which incorporate the Complainant's trademark TRIVAGO in its entirety combined with additional related terms, do not correspond to a *bona fide* use of the disputed domain names under the Policy.

Furthermore, the Complainant has provided evidence that some disputed domain names are being used in connection with a potentially fraudulent practice leading the users into illegal investments; such use can never confer rights or legitimate interests onto the Respondent. See section 2.13 of the [WIPO Overview 3.0](#).

For the above reasons, the Panel finds that the Complainant has made out an unrebutted *prima facie* case and the condition of paragraph 4(a)(ii) of the Policy has been satisfied, *i.e.*, the Respondent has no rights or legitimate interests in the disputed domain names.

### **C. Registered and Used in Bad Faith**

The trademark TRIVAGO is registered by the Complainant in several jurisdictions and has been used for years. The Complainant's trademarks predate the registration of the disputed domain names.

The Complainant's trademark is distinctive and has a strong worldwide and online visibility.

The disputed domain names reproduce the Complainant's trademark TRIVAGO, and the Respondent has no rights or legitimate interests in the disputed domain names.

The Complainant demonstrates that there is no other reason for the use and registration of the disputed domain names but to take advantage of the reputation of the Complainant's trademark, with the intent to deceive Internet users into believing that the disputed domain names are associated with the Complainant.

The Respondent obviously was aware of the Complainant's mark when registering the disputed domain names, since the Respondent chose the generic words "web," "platform," "server" and "rating" to associate with the trademark TRIVAGO, in a clear attempt to cause confusion and undue association. These words refer to the Complainant's services offered on its hotel-booking platform known as TRIVAGO.

The disputed domain names <trivago-platform.com>, <trivago-rating.com>, <trivago-rp.com>, and <trivago-server-01.com> resolved to websites prominently displaying the Complainant's trademark and requiring the user's account details. Additionally, the Complainant received communications from consumers regarding the disputed domain names <trivago-rating.com>, <trivago-server-01.com>, and <trivago-platform.com> to report fraudulent practices including a communication related to investments via cryptocurrency. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy. See also the section 3.4. of the [WIPO Overview 3.0](#)

The disputed domain name <trivago-web.com> did not resolve to any active website. However, the Complainant received an inquiry from consumer asking whether the disputed domain name <trivago-web.com> belong to the Complainant. Considering the overall circumstances, the Panel finds that the non-use of the disputed domain name <trivago-web.com> in these circumstances does not prevent a finding of bad faith.

Moreover, the Respondent has chosen not to respond to the Complainant's allegations. According to the panel's decision in *The Argento Wine Company Limited v. Argento Beijing Trading Company*, WIPO Case

No. [D2009-0610](#), *supra* “the failure of the Respondent to respond to the Complaint further supports an inference of bad faith” (see also *Bayerische Motoren Werke AG v. (This Domain is For Sale) Joshuathan Investments, Inc.*, WIPO Case No. [D2002-0787](#)).

Therefore, this Panel finds that the Respondent has intentionally attempted to cause confusion with the Complainant’s trademark by misleading Internet users to believe that the disputed domain names belong to or are associated with the Complainant.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(iii) of the Policy has been satisfied, *i.e.*, the disputed domain names have been registered and were used in bad faith.

## 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, <trivago-platform.com>, <trivago-rating.com>, <trivago-rp.com>, <trivago-server-01.com>, <trivago-web.com>, be transferred to the Complainant.

*/Mario Soerensen Garcia/*

**Mario Soerensen Garcia**

Sole Panelist

Date: July 4, 2023