

ADMINISTRATIVE PANEL DECISION

priceline.com LLC v. Sophia Atkinson

Case No. D2023-2587

1. The Parties

Complainant is priceline.com LLC, United States of America (“United States”), represented by Bryan Cave Leighton Paisner, United States.

Respondent is Sophia Atkinson, United States.

2. The Domain Names and Registrar

The disputed domain names <flightpricelines.com> and <flypriceline.com> (hereinafter “Disputed Domain Names”) are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 15, 2023. On June 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On June 16, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on June 20, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on June 25, 2023.

The Center verified that the Complaint together with the amendment to the 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 July 12, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 1, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 2, 2023.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on August 4, 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.

The Panel confirmed that both of the Disputed Domain Names are registered by Respondent. Accordingly, the Complaint complies with Rule 3(c).

4. Factual Background

Complainant is a well-known online travel resource. Since 1999, Complainant has maintained an active and extensive presence on the Internet, including through its website “www.priceline.com”, where it provides travel agency and travel booking goods and services. Customers who visit “www.priceline.com” can book hotels, flights, rental cars, cruises, and vacation packages. Since its inception, Complainant submits that has sold more than 100 million plane tickets, and on average, that it sells 2.5 million hotel room nights every month. Complainant advertises extensively in the United States.

Complainant owns trademark registrations in many countries for the PRICELINE trademark (hereinafter the “Mark”), including United States Trademark Registration No. 2,272,659 (registered August 24, 1999).

Respondent registered both of the Disputed Domain Names on March 14, 2023. The associated websites offer online airline flight search and booking services.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has rights in the Mark; that the Disputed Domain Names are identical or confusingly similar to the Mark; that it has not authorized Respondent to use its Mark and that Respondent does not have any rights or legitimate interests in the Disputed Domain Names; that Respondent registered the Disputed Domain Names in bad faith because Respondent likely knew of Complainant’s well-known Mark (which is a coined word) when it registered the Disputed Domain Names without any plausible good faith purpose; and that Respondent uses the Disputed Domain Names in bad faith for commercial gain to attract Internet users to its websites by creating source and affiliation confusion with Complainant and its Mark.

B. Respondent

Respondent did not respond to the Complaint.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that Complainant has rights in the PRICELINE trademark, as evidenced by its multiple trademark registrations, including United States Trademark Registration No. 2,272,659. The Panel also finds that both of the Disputed Domain Names are confusingly similar to Complainant’s trademark as they include the PRICELINE Mark in its entirety. The addition of “fly” does not dispel confusion with respect to the <flypriceline.com> domain name. The addition of “flight” and an “s” to the <flightpricelines.com> domain name does dispel the confusion. Even after these additions, Complainant’s entire Mark is still recognizable within the Disputed Domain Names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8.

The Panel finds that Complainant has satisfied Policy paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Panel finds that Respondent does not have rights or a legitimate interest in the Disputed Domain Names. Complainant has not authorized Respondent to use the Mark and there is no evidence that Respondent is commonly known by the Disputed Domain Names. Accordingly, Complainant has presented a *prima facie* case for Respondent's lack of rights or legitimate interests in the Disputed Domain Names, thereby shifting the burden of production to Respondent. "If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element." [WIPO Overview 3.0](#) section 2.1. Respondent has not rebutted Complainant's *prima facie* case.

Respondent's use of the Disputed Domain Names is not legitimate. The webpages associated with the Disputed Domain Names offer online travel agency services where Internet visitors may follow links and book hotels and airline flights. The offered services directly compete with Complainant. This is not a legitimate use of the Disputed Domain Names.

The Panel finds that Complainant has satisfied Policy paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Panel finds, based on a preponderance of the evidence, that Respondent registered the Disputed Domain Names in bad faith.

The Panel finds that Complainant is well known in the United States where Respondent resides and it is likely that Respondent was well aware of Complainant and its trademark rights when it registered the Disputed Domain Names.

Furthermore, because the Mark is a coined word that has no meaning except as Complainant's Mark, it may be fairly inferred, and the Panel finds, that Respondent likely had knowledge of Complainant's mark when it registered the Disputed Domain Names.

The Panel also finds that bad faith registration may be inferred from Respondent's combination of the words "flight" and "fly" with Complainant's Mark. These words describe services for which Complainant is well known and their inclusion in the Disputed Domain Names supports the inference that when Respondent registered the Disputed Domain Names, Respondent was deliberately intending to imitate Complainant's services and exploit its goodwill.

The Panel also finds that Respondent is using the Disputed Domain Names in bad faith. The websites associated with the Disputed Domain Names offer travel agency services that compete with Complainant's services. Respondent meant to exploit Complainant's goodwill and by using the Disputed Domain Names. Respondent "intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of" Respondent's website and travel agency services. Policy paragraph 4(b)(iv).

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, <flightpricelines.com> and <flypriceline.com>, be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: August 15, 2023