

## **ADMINISTRATIVE PANEL DECISION**

CT4N Travel Ltd v. Julian Parul

Case No. D2023-3008

### **1. The Parties**

The Complainant is CT4N Travel Ltd, United Kingdom, represented by Elkington and Fife LLP, United Kingdom.

The Respondent is Julian Parul, United Kingdom.

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

The disputed domain name <ct4ntravel.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 July 12, 2023. On July 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 13, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 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 amendment to the Complaint on July 14, 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 the Respondent of the Complaint, and the proceedings commenced on July 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2023. The Respondent did not submit any response.

The Center appointed Knud Wallberg as the sole panelist in this matter on August 23, 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 CT4N Travel Ltd was incorporated on August 30, 2022, and has been using CT4N TRAVEL as trademark through its website “www.ct4ntravel.co.uk” at least since December 2022 for various travel agency services. The Complainant does not have any trademark registrations of the mark.

The disputed domain name was registered on March 13, 2023, and has been used as part of an identity theft and fraud scheme. The Respondent has used the email address “[...]@ct4ntravel.com” to send emails impersonating the Complainant.

#### **5. Parties’ Contentions**

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is identical to the trade mark in which the Complainant has rights.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name, just as the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain misleadingly to divert consumers or to tarnish the trademark or service mark at issue. On the contrary, since the Respondent has been using the disputed domain name solely in connection with fraudulent and often successful attempts to obtain payment for travel agency services by impersonating the Complainant.

The Complainant finally contends that the disputed domain name should be considered as having been registered and used in bad faith by the Respondent since the Respondent has been using the disputed domain name solely in connection with fraudulent and often successful attempts to obtain payment for travel agency services by impersonating the Complainant.

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

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

#### **6. Discussion and Findings**

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has demonstrated use of the sign CT4N TRAVEL as trademark for its various services within the travel sector. Since CT4N is a distinctive combination of letters and a number, it is evident to the Panel that the Respondent has deliberately targeted the Complainant’s mark, which supports a finding that the Complainant’s mark has achieved significance as a source identifier for purposes of the Policy. Based on the available record, the Panel therefore finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Panel finds the entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel thus finds the first element of the Policy has been established.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. 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.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. Rather on the contrary since the disputed domain name has been used as part of an identity theft and fraud scheme.

Panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Moreover, the composition of the disputed domain name carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, the Panel finds the second element of the Policy has been established

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

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Given the circumstances of the case, in particular the distinctive character of the Complainant’s trademark CT4N TRAVEL and its exact replication in the disputed domain name, the Panel finds that the Respondent registered the inherently misleading disputed domain name with prior knowledge of the Complainant and the Complainant’s trademark.

As mentioned above the disputed domain name has been used by the Respondent to send emails attempting to obtain payment for travel agency services by impersonating the Complainant, and Panels have constantly held that the use of a domain name for illegal activity constitutes bad faith use. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names constitutes bad faith under the Policy. Accordingly, the third element of the Policy has also 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 <ct4ntravel.com> be transferred to the Complainant.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: September 16, 2023