

## ADMINISTRATIVE PANEL DECISION

Headout Inc. v. Name Redacted  
Case No. D2023-3866

### 1. The Parties

Complainant is Headout Inc., United States of America (“United States”), represented by Indus Law, India.

Respondent is Name Redacted.<sup>1</sup>

### 2. The Domain Names and Registrar

The disputed domain names <heabout.com>, <heabout.pw>, <heabout-book.pw>, and <heabout-book.online>, are all registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 15 2023. On September 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 16, 2023, the Registrar transmitted by email to the Center its verification response confirming the registrant information in the Complaint and disclosing additional contact details. The Center sent an email communication to Complainant on September 25, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amended Complaint. Complainant filed an amended Complaint on September 29, 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”).

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<sup>1</sup> The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on September 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 20, 2023.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on October 27, 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**

Complainant is a company based in the United States. For several years prior to the registrations of the disputed domain names, Complainant has offered travel-related services under the mark HEADOUT. Complainant owns numerous registrations for the HEADOUT mark. These include, among others, United States Registration No. 4840337 (registered October 27, 2015) and European Union Registration No. 018723522 (registered November 24, 2022). In addition, Complainant owns the registration for a number of domain names incorporating its HEADOUT mark, including <headout.com>, which Complainant uses to connect with consumers, and to provide information about services offered under its HEADOUT mark.

The disputed domain names were registered between August 2 and 18, 2023. Respondent has used the disputed domain names to resolve to websites that appears to mimic an official website of Complainant. Complainant has not authorized any activities by Respondent, nor any use of its trademarks thereby.

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

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

Complainant contends that the (i) disputed domain names are identical or confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the disputed domain names; and (iii) Respondent registered and is using the disputed domain names in bad faith.

In particular, Complainant contends that its travel services offered under the HEADOUT mark are "widely popular", with an "extensive presence" online, as indicated by media references in the Wall Street Journal and TechCrunch, among others. Complainant contends that Respondent has incorporated a misspelling of the HEADOUT mark into the disputed domain names, with the addition of basic dictionary terms, which consumers will likely understand as referring to Complainant's travel and "book"-ing services. Complainant asserts that Respondent has no rights or legitimate interests in the disputed domain name registrations or use of the disputed domain names. Rather, Complainant contends that Respondent has acted in bad faith in setting up websites meant to impersonate Complainant and to confuse consumers as to the source of ownership of the disputed domain names. Complainant thus asserts that Respondent has used Complainant's mark for Respondent's own commercial gain.

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

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

This Panel must first determine whether the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that they are.

The disputed domain names all directly incorporate Complainant's HEADOUT mark, but with a clear and obvious misspelling. This indicates a practice commonly known as "typosquatting", where a domain name registrant deliberately registers common misspellings of a mark in order to divert consumer traffic. Other UDRP panels have routinely found typosquatted domain names like these to be "confusingly similar" for purposes of a finding under the UDRP. See *Edmunds.com, Inc. v. Yingkun Guo, dba This domain is 4 sale*, WIPO Case No. [D2006-0694](#); *Disney Enterprises, Inc. v. John Zuccarini, Cupcake City and Cupcake Patrol*, WIPO Case No. [D2001-0489](#); *Credit Karma, Inc. v. Domain Admin, Whols Privacy Corp.*, WIPO Case No. [D2017-0194](#).

Two of the disputed domain names also include the addition of a hyphen and the dictionary term "book". Numerous UDRP panels have agreed that additional material (be it added terms, hyphens, etc.) does not make a domain name any less "confusingly similar" for purposes of satisfying this first prong of paragraph 4(a)(i) of the Policy. See, for example, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8, and the cases cited therein.

One of the disputed domain names is registered with the generic Top-Level Domain ("gTLD") ".com". Another of the disputed domain names is registered with gTLD ".online", and the other two disputed domain names are registered with the country code Top-Level Domain ".pw". Typically a Top-Level Domain may be disregarded for purposes of considering this first element. See [WIPO Overview 3.0](#), section 1.11.

The Panel therefore finds that each of the disputed domain names are confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

The Policy provides some guidance to respondents on how to demonstrate rights or legitimate interests in the domain name at issue in a UDRP dispute. For example, paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name "in connection with a *bona fide* offering of goods or services"; (ii) demonstration that Respondent has been "commonly known by the domain name"; or (iii) "legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue".

Respondent did not submit a reply to Complainant's contentions, and Respondent did not allege or otherwise provide any information that would support a finding that Respondent has rights or legitimate interest in the disputed domain names. Accordingly, the Panel finds that Complainant has made a *prima facie* showing of Respondent's lack of rights or legitimate interest in the disputed domain names, which Respondent has not rebutted. Specifically, the Panel notes that the disputed domain names represent typosquatting versions of the Complainant's trademark, with two of the disputed domain names incorporating an added term descriptive of the booking services offered under the Complainant's trademark. Coupled together with the nature of the websites hosted at the disputed domain names, it is apparent that the Respondent sought to impersonate the Complainant and mislead unsuspecting Internet users expecting to find the Complainant through the disputed domain names. Such composition and use can never confer rights or legitimate interests upon a respondent. [WIPO Overview 3.0](#), section 2.13.

The Panel therefore finds that the Respondent has no rights or legitimate interests in the disputed domain names in accordance with paragraph 4(a)(ii) of the Policy.

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

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. For example, paragraph 4(b)(iv) of the Policy states that bad faith can be shown where “by using the domain name [respondent has] intentionally attempted to attract, for commercial gain, Internet users to [respondent’s] 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 or location or of a product or service on [the] website or location”. As noted in Section 4 of this Decision, Respondent has used the disputed domain names to resolve to websites that appears to mimic an official website of Complainant. Respondent is thus trading on the goodwill of Complainant’s trademarks to attract Internet users, presumably for Respondent’s own commercial gain. See also *Krispy Kreme Doughnut Corporation, HDN Development Corporation v. Privacy Service Provided by Withheld for Privacy ehf / SALEH BAHJAT*, WIPO Case No. [D2022-2376](#).

Lastly, it is apparent that the Respondent registered the disputed domain name using another individual’s name, which reinforces the Panel’s findings as to the Respondent’s general bad faith conduct when registering and using the disputed domain names.

The Panel finds that Respondent registered and used the disputed domain names in bad faith for purposes of paragraph 4(a)(iii) of the Policy.

### **7. Decision**

For all 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 <heabout.com>, <heabout.pw>, <heabout-book.pw>, and <heabout-book.online> be transferred to Complainant.

*/Lorelei Ritchie/*

**Lorelei Ritchie**

Sole Panelist

Dated: November 10, 2023