

ADMINISTRATIVE PANEL DECISION

Jacques Bermon Webster II (professionally known as Travis Scott),
LaFlame Enterprises, Inc. v. TDA LTD, TDA LTD
Case No. D2023-4582

1. The Parties

The Complainants are Jacques Bermon Webster II (professionally known as Travis Scott), and LaFlame Enterprises, Inc. (the “Complainant”), United States of America, represented by Kia Kamran P.C., United States of America.

The Respondent is TDA LTD, TDA LTD, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <travisscott.store> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 3, 2023. On November 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 7, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on November 20, 2023, requesting for an Amendment to the Complaint because the Registrar was incorrectly identified. The Complainant filed an amended Complaint on November 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 26, 2023.

The Center appointed Kaya Köklü as the sole panelist in this matter on January 9, 2024. 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 widely known music artist, who is professionally known as “Travis Scott” since 2009. Throughout his career, the Complainant has achieved various number one hits on the Billboard Hot 100 charts. Additionally, the Complainant has been nominated for eight Grammy Awards and has won many prestigious national and international music awards (Annex 4 to the Complaint).

The Complainant is the owner of the TRAVIS SCOTT trademark, including but not limited to the United States Trademark Registration No. 5918744, for TRAVIS SCOTT, registered on November 26, 2019 (Annex 8 to the Complaint), and the International Trademark Registration No. 1634937, for TRAVIS SCOTT, registered on August 16, 2021, designating jurisdictions in Europe, Asia, and others (Annex 9 to the Complaint).

The Complainant further owns and operates its official website at “www.travisscott.com”, where official music and authorized merchandise are released and offered for sale.

The Respondent is reportedly located in Viet Nam.

The disputed domain name was registered on May 31, 2021.

The disputed domain name resolved to a website in English language, where goods that prominently bear the Complainant’s TRAVIS SCOTT trademark as well as other of his trademarks were offered and displayed for sale at much lower prices than those sold by the Complainant. The overall content and design of the associated website provided the look and feel as if the alleged online shop is authorized or even provided by the Complainant itself. The associated website incorrectly stated that it is the “Official Travis Scott Merch Shop” (Annex 11 to the Complaint).

At the time of the Decision, the disputed domain name does not resolve to an active website anymore.

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.

B. Respondent

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

6. Discussion and Findings

According to paragraphs 14 and 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable and on the basis of the Complaint where no substantive response has been submitted.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

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

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not substantively replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the TRAVIS SCOTT trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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

The Panel 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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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 available 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 Panel further notes that the nature of the disputed domain name, comprising the Complainant's trademark, and the content and design of the associated website, offering presumably counterfeit goods, indicates the Respondent's awareness of the Complainant and its TRAVIS SCOTT trademark and his intent to take unfair advantage of such, which does not support a finding of any rights or legitimate interests.

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, Panels have held that the use of a domain name for illegal activity like the sale of counterfeit goods can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent must have had the Complainant and its TRAVIS SCOTT trademark in mind when registering the disputed domain name. It is obvious to the Panel, that the Respondent has deliberately chosen the disputed domain name, which is identical to the Complainant's TRAVIS SCOTT trademark, to target the Complainant and to generate traffic to its own website. Consequently, the Panel is convinced that the Respondent has registered the disputed domain name in bad faith.

As regards bad faith use, the overall content and design of the associated website, including the prominent use of the Complainant's TRAVIS SCOTT trademark and also other trademarks of the Complainant, as well as the inherently misleading nature of the disputed domain name is, in view of the Panel, sufficient evidence that the Respondent intentionally tries to attract, for offering presumably counterfeit goods, Internet users to its website by creating a likelihood of confusion with the Complainant.

Panels have held that the use of a domain name for illegal activity like the sale of counterfeit goods constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The fact that the disputed domain name currently no longer resolves to an active website does not prevent a finding of bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 name <travisscott.store> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: January 23, 2024