

ADMINISTRATIVE PANEL DECISION

Jacques Bermon Webster II (professionally known as Travis Scott) and LaFlame Enterprises, Inc. v. Duc Tran The, Deltavn
Case No. D2023-4605

1. The Parties

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

The Respondent is Duc Tran The, Deltavn, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <travisscottofficial.shop> (the “Domain Name”) is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 6, 2023. On November 7, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 8, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Whois Privacy, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 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 November 15, 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 November 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 14, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on December 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

The Complainant Jacques Bermon Webster II (Jacques Webster, also known as Travis Scott) is an internationally renowned musical recording artist who, throughout his career since 2009, has achieved four number one hits on the Billboard Hot 100 and 80 charted songs, as well as numerous industry awards. These include eight Grammy Awards, an MTV Video Music Award and multiple BET Awards. He has toured extensively in the United States and internationally. His followers on social media number some 11 million on X (formerly Twitter) and 52.7 million on Instagram and Spotify's official page counts more than 60 million monthly listeners.

The Complainant Jacques Webster's company LaFlame Enterprises, Inc. is the proprietor of a number of registered trademarks for TRAVIS SCOTT including United States trademark number 5918744 registered on November 26, 2019, United States trademark number 6366019 registered on May 25, 2021, and International trademark number 1634937 registered on August 16, 2021, designating a number of territories including China, the European Union and the United Kingdom.

The Complainant Jacques Webster and LaFlame Enterprises, Inc. are together referred to as the "Complainant". The Complainant operates a website at "www.travisscott.com" promoting official music and authorized merchandise.

The Domain Name was registered on September 14, 2022. It currently resolves to a web page headed "Travis Scott Merch | Limited Stock" stating "Maintenance mode is on. Site will be available soon." At the time of filing the Complaint, the Domain Name resolved to a website purportedly offering for sale a wide range of clothing, footwear and other products bearing several of the Complainant's registered trademarks, including TRAVIS SCOTT, CACTUS JACK and ASTROWORLD. The products had not been authorized by the Complainant and were allegedly counterfeit.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its TRAVIS SCOTT trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of the Policy. The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in TRAVIS SCOTT (the “Mark”) by virtue of its trademark registrations and through its widespread use of the Mark over many years. The Domain Name comprises the entirety of the Mark together with the word “official” and the generic Top-Level Domain (“gTLD”) “.shop”. In the Panel’s view, the addition of these words, its being permissible to ignore the gTLD for this purpose in any event, does not prevent a finding of confusing similarity. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights. Based on the available evidence, the Panel finds that the first element of the Policy has been established

B. Rights or Legitimate Interests

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent is not authorized by the Complainant to use the Domain Name. The Respondent’s website has offered for sale a wide range of counterfeit products bearing the Mark and other registered trademarks of the Complainant.

The Panel is in no doubt that the Respondent has registered and used the Domain Name with a view to confusing Internet users into believing that the Respondent’s website was operated by or authorized by the Complainant.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case shown by the evidence available to the Panel. Panels have held that the use of a domain name for allegedly illegal activity, such as the sale of counterfeit goods, can never confer rights or legitimate interests on a respondent. In the Panel’s view, the impersonation of the Complainant cannot confer rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), section 2.13.1.

In the circumstances, the Panel finds that the Complainant has established that the Respondent does not have any rights or legitimate interests in respect of the Domain Name. Based on the available evidence, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

In light of the use of the Complainant’s Mark and the impersonating nature of the Respondent’s website, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. The Panel considers that the Respondent has registered and used the Domain Name to deceive Internet users into believing that the Domain Name is operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the Mark, clearly for commercial gain.

Based on the record, the Panel notes that the Respondent used the Domain Name to resolve to a website purportedly offering for sale counterfeit products bearing several of the Complainant’s registered trademarks. Panels have held that the use of a domain name for illegal activity including the sale of apparently counterfeit copies of the Complainant’s products at discounted prices constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the evidence, the Panel finds the Respondent’s registration and use of the Domain Name constitutes bad faith under the Policy and 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 Domain Name <travisscottofficial.shop> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: January 10, 2024