

## **ADMINISTRATIVE PANEL DECISION**

Amadeus IT Group, S.A. v. AAAA GGGG

Case No. D2023-4642

### **1. The Parties**

The Complainant is Amadeus IT Group, S.A., Spain, represented by Ubilibet, S.L., Spain.

The Respondent is AAAA GGGG, United States of America (“U.S.”).

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

The disputed domain name <amaadeus.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 November 8, 2023. On November 9, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 9, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 13, 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 the first amended Complaint on November 14, 2023. In response to the Center’s notification regarding the requested remedy, the Complainant filed the second amended Complaint on November 23, 2023.

The Center verified that the Complaint together with the amended Complaints 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 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 4, 2024.

The Center appointed Mihaela Maravela as the sole panelist in this matter on January 12, 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**

According to information in the Complaint, the Complainant was founded in Spain in 1987, and is a leading provider of technology solutions and services for the entire travel ecosystem: airlines, airports and ground handlers, car rental agencies, corporations, cruise and ferry operators, hotels and event venues, insurance providers, travel sellers, tourism boards, travelers and more. The Complainant is a globally leading enterprise, comprising over 15,000 professionals serving in more than 190 countries, with offices on every continent. It is a publicly traded company, listed on the IBEX 35, Spain's top-35 stock index, and it is also featured in various stock indices worldwide.

The Complainant is the holder of a number of trademarks for AMADEUS, covering more than 150 countries and regions around the world, including the International trademark No. 520642 for AMADEUS registered on November 6, 1987 for classes of services 35, 36, 39, and 42, and U.S. trademark registration No. 1529969 for AMADEUS registered on March 14, 1989 for classes of services 35, 39, and 42.

The Complainant has operated its primary website "www.amadeus.com" since at least November 2014 to promote its business.<sup>1</sup>

The disputed domain name was registered on September 5, 2023 and does not resolve to an active website.

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

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

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

Notably, the Complainant contends that the disputed domain name is almost identical to the Complainant's trademarks, only adding a typo in the form of an additional letter "a". This addition is clearly not sufficient to avoid the likelihood of confusion, particularly considering it occurs as part of a sequence of various vocals.

As regards the second element, the Complainant argues that it has not authorized, licensed, or allowed the Respondent or any third party to use its trademark in the disputed domain name or otherwise. There is no proof of any prior utilization by the Respondent of the disputed domain name or a tradename "amaadeus" corresponding to the disputed domain name in association with a genuine offering of products or services.

With respect to the third element, the Complainant contends that it is a global company with presence in more than 190 countries, and it operates prominently in stock markets worldwide. It was ranked in "The Times" magazine's prestigious list, where it holds in 2023 the 94th position among the top companies in the world across all sectors in its economy section. Given the reputation and distinctiveness of the Complainant's trademarks, it is difficult to believe that the Respondent was not aware of that trademark at

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<sup>1</sup> Noting in particular the general powers of a panel articulated *inter alia* in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.8. In this regard, the Panel conducted its independent search through the search engine and noticed that the Complainant operates the website at the domain name <amadeus.com>. The Panel's further search at "<https://archive.org/>" shows that the Complainant has been indicated as the operator of this website since at least November 2014. Between 2001 and November 2014, this website seems to be operated by the Complainant's affiliates.

the registration of the disputed domain name. Inactive or passive holding of the disputed domain name does not prevent a finding of bad faith, especially when the disputed domain name incorporates a well-known trademark without a legitimate purpose.

## **B. Respondent**

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

## **6. Discussion and Findings**

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.2.

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (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.

### **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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Here the disputed domain name consists of an obvious misspelling of the AMADEUS trademark of the Complainant, with the addition of a letter "a" in the middle of AMADEUS. This misspelling in the disputed domain name, also referred to as typosquatting, does not prevent a finding of confusing similarity (see [WIPO Overview 3.0](#), section 1.9).

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 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.

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.

According to the un rebutted assertions of the Complainant, its AMADEUS trademarks were widely used in commerce well before the registration of the disputed domain name. Given also the typosquatted character of the disputed domain name, it is most likely that the Respondent was aware of the AMADEUS trademark at the registration date of the disputed domain name. The Respondent has provided no explanations for why it registered the disputed domain name.

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.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Moreover, the Respondent has not formally participated in these proceedings and has failed to rebut the Complainant's contentions or provide any evidence of actual or contemplated good-faith use of the disputed domain name. In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name. The Respondent failed to bring evidence as to the contrary. The Respondent's bad faith is reinforced by the Respondent's use of an incomplete address to which the Written Notice could not be delivered by courier.

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 <amaadeus.com> be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: January 26, 2024