

ADMINISTRATIVE PANEL DECISION

Amadeus IT Group, S.A. v. Olexandra Kozachenko
Case No. D2023-4976

1. The Parties

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

The Respondent is Olexandra Kozachenko, Poland.

2. The Domain Name and Registrar

The disputed domain name <sellingplatformconnectamadeus.live> is registered with Nicenic International Group Co., Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 29, 2023. On November 29, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 30, 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 verified that 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 December 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 28, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 8, 2024.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on January 11, 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 the information provided in the Complaint, the Complainant is a leader in technology solutions for the travel industry.

The Complainant owns a large portfolio of registrations for the trademark AMADEUS, including the following registrations:¹

- European Union Trade Mark No. 002069375, registration date August 29, 2005; and
- European Union Trade Mark No. 1321806, registration date June 22, 2016.

The disputed domain name was registered on October 14, 2023 and resolves to an inactive website. The Complainant alleges that until November 3, 2023, the disputed domain name redirected to the Complainant's website at <sellingplatformconnect.amadeus.com>.

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 a trademark or service mark in which the Complainant has rights. In addition to its registered AMADEUS trademark, the term "Selling Platform Connect" is used in connection with the Complainant's platform for providing its services to clients, which was launched by the Complainant in 2015. The Complainant therefore holds unregistered or common law trademark rights over the combined term "Selling Platform Connect", as it is associated in the minds of consumers with the Complainant's products and services. The disputed domain name is constituted of the Complainant's trade names, service name, and platform name. The generic Top-Level Domain ("gTLD") ".live" may be disregarded.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant did not authorize the Respondent to use its trademarks. There is no evidence for use of the disputed domain name in connection with a bona fide offering of goods or services. There is no evidence that the Respondent is commonly known by the disputed domain name. The disputed domain name redirected until November 3, 2023, to the Complainant's website.

The Complainant contends that the disputed domain name was registered and is being used in bad faith.

The Respondent must have had knowledge of the Complainant given the reputation of the Complainant and the composition of the disputed domain name. In any case, the Respondent has a duty to search the disputed domain name online prior to registration. Until November 3, 2023, the disputed domain name redirected to the Complainant's website. The redirection constitutes an unlawful threat to the Complainant as it could be redirected to an unauthorized site at any time.

B. Respondent

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

¹ The Complainant did not submit evidence of its ownership of the trademark AMADEUS on the basis that such information is publicly available and that if needed, the Panel can request it from the Complainant. The Complainant is encouraged in the future to submit the relevant evidence together with its complaint and not wait for further instructions from the Panel. Also, it is the Complainant's responsibility to submit the relevant evidence rather than delegating the task to look for evidence to the Panel.

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 Panel finds that the Complainant has shown rights in respect of its registered AMADEUS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

As for the Complainant's claim regarding unregistered rights in the combined term "Selling Platform Connect", the Panel notes that the Complainant has not submitted specific evidence to support that it has acquired such distinctiveness as stated in the [WIPO Overview 3.0](#), section 1.3. The Panel however notes that the fact that the disputed domain name redirected to the Complainant's own website is circumstantial evidence of its source-identifying capacity in that combined term and the Respondent's awareness thereof. WIPO Overview section 1.15.

It is also well established that the addition of a gTLD, such as ".live", is typically disregarded when determining whether a domain name is confusingly similar to a complainant's trademark as such is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

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

Although the addition of other terms here, "selling", "platform", and "connect" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

Here, the Respondent has only used the disputed domain name to previously redirect Internet users to the Complainant's website. While it is not altogether clear what the Respondent's ultimate purpose for doing so might be, the evidence before the Panel suggests that the Respondent is not using the disputed domain name for any legitimate purpose, and in any event the composition of the dispute domain name presents a risk that users would understand that it is affiliated with the Complainant. [WIPO Overview 3.0](#), section 2.5.

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.

In the present case, the Panel notes that the Respondent must have been aware of the Complainant's trademark and business as the disputed domain name incorporates the Complainant's trademark together with the terms designating the platform used by the Complainant. Also, the disputed domain name was registered almost 20 years after the registration of the Complainant's trademark and was used to redirect to the Complainant's own site.

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 (including a blank page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds that the now 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 finds that in the present circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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, <sellingplatformconnectamadeus.live>, be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: January 19, 2024