

## **ADMINISTRATIVE PANEL DECISION**

CWI, LLC v. I.T. Manager Westford  
Case No. D2024-1003

### **1. The Parties**

Complainant is CWI, LLC, United States of America (“USA”), represented by Neal & McDevitt, USA.

Respondent is I.T. Manager, Westford, United States of America.

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

The disputed domain name <wecampingworld.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2024. On March 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 7, 2024, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on March 11, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 18, 2024.

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 Respondent of the Complaint, and the proceedings commenced on March 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2024. Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 10, 2024.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on April 17, 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**

Complainant operates a network of recreational vehicle ("RV") sales, RV equipment and accessories, and RV service centers under Complainant's CAMPING WORLD trademarks and service marks. Since its inception in the mid-1960's, Complainant has grown to over 185 retail and service locations in North America, currently employs more than 12,000 employees and serves more than 4 million customers under its CAMPING WORLD trademarks and service marks. In addition, through its Internet presence, Complainant reaches customers throughout North America and elsewhere with its RV and outdoor recreational related products and services.

Complainant owns several registered trademarks with the CAMPING WORLD mark, including:

- USA registered trademark number 930,179 for the CAMPING WORLD word mark, registered on February 29, 1972;
- USA registered trademark number 4,536,315 for the CAMPING WORLD design and word mark registered on May 27, 2014;
- USA registered trademark number 4,536,313 for the CAMPING WORLD word mark registered on May 27, 2014; and
- USA registered trademark number 4,532,411 for the CAMPING WORLD design and word mark registered on May 20, 2014.

Complainant also owns and operates its official website at <campingworld.com> and has various social networking accounts including Facebook, Instagram, Youtube, TikTok, all promoting Complainant's CAMPING WORLD products and services.

The Domain Name was registered on November 15, 2023, and at the time of filing of the Complaint, it redirected to a social media website for users "to connect, collaborate, share content and inspire each other" by first creating an account by providing the user's name, email address and a reason for joining.

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

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

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

In particular, Complainant contends that it has trademark registrations for CAMPING WORLD, and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well known CAMPING WORLD products and services.

Complainant notes that it has no affiliation with Respondent. Complainant further contends that Respondent is using the Domain Name as a tool to exploit Complainant's reputation for its own commercial gain, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name other than trademark infringement. Further, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

## B. Respondent

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case, Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

### A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See [WIPO Overview 3.0](#), section 1.2.1. Complainant has provided evidence of its rights in the CAMPING WORLD trademarks, as noted above under section 4. Complainant has also submitted evidence which supports that the CAMPING WORLD trademarks are widely known and a distinctive identifier of Complainant's products and services. Complainant has therefore proven that it has the requisite rights in the CAMPING WORLD trademarks.

With Complainant's rights in the CAMPING WORLD trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it is registered (in this case is, ".com"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's CAMPING WORLD trademarks. The use of Complainant's trademark in its entirety, with the addition of the word "we", does not prevent a finding of confusing similarity between the Domain Name and the CAMPING WORLD trademark as it is recognizable in the Domain Name.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

### B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes out such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or

legitimate interests, the complainant will have sustained its burden under the second element of the UDRP. From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its CAMPING WORLD trademarks, and does not have any rights or legitimate interests in the Domain Name. In addition, Complainant asserts that Respondent is not an authorized reseller and is not related to Complainant. Respondent is also not known to be associated with the CAMPING WORLD trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of the filing of the Complaint, the Domain Name reverted to a webpage that promoted itself as “the best social media network for people to connect, collaborate, share content and inspire each other.” The website invited Internet users to “Create Account” and “Login” to view content on the social media network. Upon selecting “Create Account” there was a prompt to “Request Invitation” and a message stating, “Registration is by invitation only.” To request an invitation, a visitor must provide their name, email address and a reason why they would like to join. Complainant asserts that since users are supposedly unable to view content on the site without creating an account, it is likely then that the website was created as a means of gathering information from Internet users in furtherance of nefarious activities. Complainant further asserts that Respondent has registered the disputed domain name to use in connection with a phishing scheme, distributing malware, unauthorized account access/hacking or otherwise attempting to pass off its social networking site as an affiliate of Complainant.

Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Name.

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name, reinforcing the notion that Respondent was not using the Domain Name in connection with a bona fide offering.

Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name, and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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

The Panel finds that Respondent’s actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

- “(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the CAMPING WORLD trademarks long predate the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant's CAMPING WORLD trademarks and related products and services are widely known and recognized. In addition, the addition of the term "we" to Complainant's trademark in the Domain Name suggests or reinforces the concept of a community provided through Complainant's industry and business activities. Therefore, Respondent was aware of the CAMPING WORLD trademarks when it registered the Domain Name, knew, or should have known that the Domain Name was confusingly similar to Complainant's trademarks. See [WIPO Overview 3.0](#), section 3.2.2; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, the registration of the Domain Name incorporating Complainant's CAMPING WORLD trademark in its entirety suggests Respondent's actual knowledge of Complainant's rights in the CAMPING WORLD trademarks at the time of registration of the Domain Name and its effort to opportunistically capitalize on the registration and use of the Domain Name.

Moreover, Respondent registered and is using the Domain Name to confuse and mislead consumers looking for bona fide and well known CAMPING WORLD products and services of Complainant or authorized partners of Complainant. In particular, the evidence provided by Complainant indicated that at the time of filing of the Complaint, the Domain Name reverted to a webpage that promoted itself as "the best social media network for people to connect, collaborate, share content and inspire each other." The website invited internet users to "Create Account" and "Login" to view content on the social media network. Upon selecting "Create Account" there was a prompt to "Request Invitation" and a message stating, "Registration is by invitation only." To request an invitation, a visitor must provide their name, email address and a reason why they would like to join. Complainant asserts that since users are supposedly unable to view content on the site without creating an account, it is likely then that the website was created as a means of gathering information from Internet users in furtherance of nefarious activities. Complainant further asserts that Respondent has registered the disputed domain name to use in connection with a phishing scheme, distributing malware, unauthorized account access/hacking or otherwise attempting to pass off its social networking site as an affiliate of Complainant.

The use of the CAMPING WORLD mark in the Domain Name is intended to capture Internet traffic from Internet users who are looking for Complainant's products and services. Therefore, by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's webpage by creating a likelihood of confusion with Complainant's CAMPING WORLD marks as to the source, sponsorship, affiliation, or endorsement of Respondent's website.

Further, the Panel also notes the failure of Respondent to submit a Response or to provide any evidence of actual or contemplated good-faith use, and the implausibility of any good-faith use to which the Domain Name may be put.

Accordingly, the Panel finds that Respondent registered and is using the Domain Name in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 <wecampingworld.com> be transferred to Complainant.

*/Kimberley Chen Nobles/*

**Kimberley Chen Nobles**

Sole Panelist

Date: May 1, 2024