

ADMINISTRATIVE PANEL DECISION

Travelscape, LLC v. 小o l1, ssdds 就是公司 and 酒店 雄霸, 广东
Case No. D2024-1537

1. The Parties

The Complainant is Travelscape, LLC, United States of America, represented by Kilpatrick Townsend & Stockton LLP, United States of America.

The Respondents are 小o l1, ssdds 就是公司, Hong Kong, China, and 酒店 雄霸, 广东, China.

2. The Domain Names and Registrar

The disputed domain names <luxury-ak-travelocity.com>, <luxury-ax-travelocity.com>, <luxury-bi-travelocity.com>, <luxury-ck-travelocity.com>, <luxury-kx-travelocity.com>, <luxury-px-travelocity.com>, <luxurytravelocity-ah.com>, <luxurytravelocity-bih.com>, <luxurytravelocity-bik.com>, <luxurytravelocity-cf.com>, <luxurytravelocity-ci.com>, <luxurytravelocity-dr.com>, <luxurytravelocity-dt.com>, <luxurytravelocity-dw.com>, <luxurytravelocity-en.com>, <luxurytravelocity-gt.com>, <luxurytravelocity-id.com>, <luxurytravelocity-io.com>, <luxurytravelocity-kp.com>, <luxurytravelocity-lv.com>, <luxurytravelocity-net.com>, <luxurytravelocity-ob.com>, <luxurytravelocity-og.com>, <luxurytravelocity-vg.com>, <luxurytravelocity-xa.com>, <luxurytravelocity-xk.com>, <luxury-xf-travelocity.com>, <luxury-xv-travelocity.com>, <luxury-yl-travelocity.com>, <optimitravelocity-aie.com>, <optimitravelocity-bio.com>, <optimitravelocity-bter.com>, <optimitravelocity-ife.com>, <optimitravelocity-ifno.com>, <optimitravelocity-lve.com>, <optimitravelocity-net.com>, <optimitravelocity-org.com>, <optimitravelocity-rtz.com>, <optimitravelocity-uot.com>, <travel-ap-travelocity.com>, <travel-ax-travelocity.com>, <travel-df-travelocity.com>, <travel-er-travelocity.com>, <travel-gy-travelocity.com>, <travel-sd-travelocity.com>, <travel-tx-travelocity.com>, and <travel-zs-travelocity.com> are registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 9, 2024. On April 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 12, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy, Domain Protection Services, Inc.) and

contact information in the Complaint. The Center sent an email communication to the Complainant on April 22, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on April 22, 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 the Respondents of the Complaint, and the proceedings commenced on May 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on May 26, 2024.

The Center appointed Knud Wallberg as the sole panelist in this matter on June 5, 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, Travelscape, LLC, was founded in 1996 and is a leading provider of consumer-direct travel services for the leisure and business traveler. The Complainant is owned by Expedia, Inc., one of the world's largest travel companies.

The Complainant has been using the trademark TRAVELOCITY since 1996, either standing alone or in combination with other words and/or design elements, including as part of the TRAVELOCITY & Stars Design logo.

The Complainant also owns numerous registrations for the TRAVELOCITY mark in countries around the world, including, but not limited to the following: United States of America registration No. 2466132, registered on July 3, 2001, for services in classes 35, 38, 39 and 42; European Union registration No. 000163642 registered on September 14, 2001, for goods and services in classes 9 and 39; and China registration No. 1495415, registered on December 21, 2000, for services in class 39.

The Complainant's main domain name is found at <travelocity.com>.

The disputed domain names were registered between December 28, 2023, and February 8, 2024, and majority of the disputed domain names have been used for websites which require a password and username to access, while some of the disputed domain names resolve to similar websites requiring login credentials to access but also displaying the Complainant's trademark and logo with the remaining of the disputed domain names that resolve to websites displaying warning messages.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's well-known TRAVELOCITY mark as each and every one of them fully incorporates the TRAVELOCITY mark exactly and in its entirety. The addition of words such as "luxury" or "travel" and abbreviations or two letter combinations such as "optimi," "ak," "ah," "bio," ".net" or the like in the disputed domain names is of no importance and does not distinguish the disputed domain names from the Complainant's TRAVELOCITY mark, as TRAVELOCITY is clearly identifiable and the primary and dominant element of the disputed domain names.

Furthermore, the Respondents have no rights or legitimate interests in the disputed domain names for purposes of paragraph 4(c) of the Policy. The Respondents are not commonly known by the disputed domain names and is neither using the disputed domain names in connection with a bona fide offering of goods or services nor making a legitimate noncommercial or fair use of the disputed domain names. Rather, the Respondents have used, and is using, the disputed domain names as part of a fraudulent scheme to impersonate the Complainant to trick unsuspecting consumers into providing login or other personal information, and/or for other nefarious purposes.

The Complainant finally contends that the Respondents have registered and is using the disputed domain names in bad faith since the Respondents must have been fully aware of the Complainant's rights in the TRAVELOCITY trademark, when they registered the disputed domain names, and as the Respondents are impersonating the Complainant in such a way users will mistakenly believe the disputed domain names are connected to, associated with, or endorsed or sponsored by the Complainant.

B. Respondents

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes the following similarities between the disputed domain names:

- all the disputed domain names follow similar naming conventions which incorporate the TRAVELOCITY mark in its entirety with additional descriptive terms referring to the nature of the Complainant's business and/or short abbreviations and/or hyphens.
- almost all of the disputed domain names have been used with virtually identical login pages.
- all the disputed domain names were registered through the same Registrar, namely Name.com, Inc., between December 28, 2023, and February 8, 2024, and use the same name servers.

- it is most likely that the names and postal addresses of the two listed Respondents are fake, and their email addresses both include the same term “jiudian”.

Considering the above, the Panel finds it is more likely than not that the disputed domain names are subject to common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

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 names. [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.

The entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are 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, such as “luxury”, “travel”, “optimi”, or different two or three letter combinations, such as “ak”, “ah” and “bio”, 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 names 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 names. 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 names such as those enumerated in the Policy or otherwise. Moreover, the Panel finds that the composition of the disputed domain names, further supported by the content therein, may suggest sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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.

Given the circumstances of the case, including the evidence on record of the use of the Complainant's trademark TRAVELOCITY on the website at some of the disputed domain names, and the distinctive nature of this mark, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain names without prior knowledge of the Complainant and the Complainant's mark.

The Panel therefore finds that the disputed domain names were registered in bad faith.

The majority of the disputed domain names have been used to host websites which require login credentials to access and some of these websites also display the Complainant's trademark and logo, which would give Internet users the impression that these websites may be the websites of the Complainant or the websites that are somehow connected to the Complainant, which is not the case. The Panel therefore finds that there can be no doubt that the disputed domain names have been used in bad faith to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's websites or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4. Further, some of the disputed domain names resolve to websites displaying a warning message that "Attackers on the site you're trying to visit might trick you into installing software or revealing things like your password, phone, or credit card number". Panels have held that the use of a domain name for illegal activities, such as distributing malware or other types of fraud constitutes bad faith.

Noting that the disputed domain names incorporate the Complainant's well-known trademark TRAVELOCITY; that the Respondent has not replied to the Complainant's contentions; and that there appears to be no conceivable good faith use that could be made by the Respondent of the disputed domain names and considering all the facts and evidence of the case, the Panel finds that the requirements of paragraph 4(a)(iii) of the Policy are also fulfilled in this case.

The Panel thus finds that the Complainant has also 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 names <luxury-ak-travelocity.com>, <luxury-ax-travelocity.com>, <luxury-bi-travelocity.com>, <luxury-ck-travelocity.com>, <luxury-kx-travelocity.com>, <luxury-px-travelocity.com>, <luxurytravelocity-ah.com>, <luxurytravelocity-bih.com>, <luxurytravelocity-bik.com>, <luxurytravelocity-cf.com>, <luxurytravelocity-ci.com>, <luxurytravelocity-dr.com>, <luxurytravelocity-dt.com>, <luxurytravelocity-dw.com>, <luxurytravelocity-en.com>, <luxurytravelocity-gt.com>, <luxurytravelocity-id.com>, <luxurytravelocity-io.com>, <luxurytravelocity-kp.com>, <luxurytravelocity-lv.com>, <luxurytravelocity-net.com>, <luxurytravelocity-ob.com>, <luxurytravelocity-og.com>, <luxurytravelocity-vg.com>, <luxurytravelocity-xa.com>, <luxurytravelocity-xk.com>, <luxury-xf-travelocity.com>, <luxury-xv-travelocity.com>, <luxury-yl-travelocity.com>, <optimitravelocity-aie.com>, <optimitravelocity-bio.com>, <optimitravelocity-bter.com>, <optimitravelocity-ife.com>, <optimitravelocity-ifno.com>, <optimitravelocity-lve.com>, <optimitravelocity-net.com>, <optimitravelocity-org.com>, <optimitravelocity-rtz.com>, <optimitravelocity-uot.com>, <travel-ap-travelocity.com>, <travel-ax-travelocity.com>, <travel-df-travelocity.com>, <travel-er-travelocity.com>, <travel-gy-travelocity.com>, <travel-sd-travelocity.com>, <travel-tx-travelocity.com>, and <travel-zs-travelocity.com> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: June 19, 2024