

ADMINISTRATIVE PANEL DECISION

CWI, LLC v. FranklinRonald
Case No. D2024-2036

1. The Parties

Complainant is CWI, LLC, United States of America ("US"), represented by Neal & McDevitt, US.

Respondent is FranklinRonald, US.

2. The Domain Name and Registrar

The disputed domain name <campingworldus.com> (the "Domain Name") is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 15, 2024. On May 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 22, 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 May 22, 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 May 28, 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 May 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 18, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on June 19, 2024.

The Center appointed Christopher S. Gibson as the sole panelist in this matter on June 25, 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 through its licensees and related entities operates one of the US's largest networks of recreational vehicle ("RV") sales, service centers, equipment, and accessories under Complainant's well-known CAMPING WORLD trademarks. Since the company's inception in the mid-1960's, Complainant has grown to over 185 retail and service locations in North America, currently employing more than 12,000 employees and serving more than 4 million customers under its CAMPING WORLD marks. Through its Internet presence, Complainant reaches customers throughout North America and elsewhere with its RV and outdoor recreational related products and services. Complainant has used the CAMPING WORLD trademark in the US since at least 1968. In addition to its rights at common law, Complainant has offered evidence that it owns numerous US trademark registrations for the CAMPING WORLD trademark (both word marks and design marks with logos), including Registration Number 930,179 (registered on February 29, 1972) and Registration Number 4,536,315 (registered on May 27, 2014) with first use in May 4, 1968, which it uses in connection with its goods and services. Complainant's official website is at "www.campingworld.com." Complainant has invested substantial amounts to market, promote, and advertise its goods and services provided under the CAMPING WORLD mark over the years, which the consuming public has come to associate with Complainant, and which has come to represent the quality of goods and services that Complainant offers.

The Domain Name was registered on March 27, 2024. Respondent has created a website linked to the Domain Name that prominently displays a CAMPING WORLD logo throughout the site, which is nearly identical to Complainant's CAMPING WORLD marks and logo.

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.

(i) Identical or confusingly similar

Complainant states that Respondent registered the Domain Name on March 27, 2024, over 60 years after Complainant first used its CAMPING WORLD marks and established rights in the marks. Complainant further submits it has demonstrated rights in the CAMPING WORLD marks by providing evidence of its trademark registrations. Additionally, Complainant has substantial common law rights in the CAMPING WORLD mark. It has used the mark on and in connection with goods and services since at least as early as the mid-1960's, in a wide geographical area comprising North America and elsewhere as a result of Complainant's significant Internet presence. Accordingly, Complainant asserts the consuming public has come to associate the CAMPING WORLD mark with the goods and services of Complainant through the extensive and longstanding use of the mark in commerce.

Complainant states the Domain Name consists of Complainant's CAMPING WORLD mark in its entirety with the addition of a geographic term "us." Complainant claims this is sufficient for showing confusing similarity under the Policy. For the above reasons, Complainant respectfully requests that the Panel determine that Complainant has met the first element of the Policy.

(ii) Rights or legitimate interests

Complainant submits that the following facts establish Complainant's prima facie case:

- There has never been any relationship between Complainant and Respondent that would give rise to any license, sponsorship, permission, or authorization for Respondent to use or register the Domain Name.
- Complainant has not authorized Respondent to use the CAMPING WORLD marks in a domain name, at any website, or for any other purpose.
- Respondent will not be able to provide any evidence of legitimate noncommercial or fair use of the Domain Name. Instead, Respondent is using CAMPING WORLD in the Domain Name to intentionally attract Internet users to its website by creating a likelihood of confusion with Complainant's CAMPING WORLD marks for Respondent's own financial gain.
- Respondent claims to be known as FranklinRonald (as shown in the Whois records) and is not commonly known by the Domain Name, which evinces a lack of rights or legitimate interests in it. Accordingly, where no evidence, including the Whois record for the Domain Name, suggests that Respondent is commonly known by the Domain Name, then Respondent cannot be regarded as having acquired rights to or legitimate interests in it.
- Respondent's registration of a nearly identical Domain Name to suggest a false affiliation with Complainant cannot be considered fair use of the Domain Name. The Domain Name looks identical to Complainant's CAMPING WORLD mark, which carries a high risk of implied affiliation.

For these reasons, Complainant requests that the Panel find Complainant has established the second element under the Policy.

(iii) Registered and used in bad faith

Complainant contends that Respondent registered the Domain Name incorporating Complainant's well-known CAMPING WORLD mark in its entirety to drive traffic to Respondent's site advertising outdoor recreational related products for Respondent's financial gain, by creating a likelihood of confusion with Complainant's sponsorship, endorsement, or affiliation.

Respondent has used the Domain Name to drive traffic to its site and trade off the goodwill and public recognition of Complainant's CAMPING WORLD marks, as there is an absence of evidence to suggest that Respondent is known as or lawfully conducting business under the trade name CAMPING WORLD US or otherwise making fair use of the name. Thus, it is evident that Respondent registered the Domain Name, which is confusingly similar to Complainant's CAMPING WORLD mark and registered domain name <campingworld.com>, with the intent of trading off the goodwill and public recognition of Complainant's CAMPING WORLD marks by suggesting a false affiliation with the site for Respondent's financial gain.

In particular, because the CAMPING WORLD mark is well-known, and because Respondent has specifically selected the Domain Name, which includes Complainant's entire CAMPING WORLD mark followed by the geographic abbreviation where Complainant is headquartered (i.e., "us"), it is evident that Respondent has intended to confuse consumers and/or drive traffic to its site. Given Complainant's notoriety, specifically in connection with retail services and the sale of outdoor recreational equipment, it is implausible to believe that Respondent was not aware of Complainant and its CAMPING WORLD marks when it registered the Domain Name. Respondent's use of a logo throughout its site that is nearly identical to Complainant's registered marks indicates Respondent was aware of Complainant at the time of registering and during its use of the Domain Name.

In the circumstances of this case, Complainant submits such a showing is sufficient to establish bad faith registration of the Domain Name. Complainant highlights the following facts to further demonstrate Respondent's bad faith registration and use of the Domain Name:

At the time of registration of the Domain Name, Respondent most likely knew or should have known of the existence of Complainant's CAMPING WORLD mark. A simple Internet search would have returned results for Complainant's website and goods and services. Such evidence suggests that Respondent registered and is using the Domain Name because it is similar to Complainant's well-known mark, to generate traffic to its site and receive commercial gain for its business.

Bad faith registration and use has also been inferred when the use of a complainant's entire mark is in a disputed domain name. Here, Complainant's entire CAMPING WORLD mark is in the Domain Name. Thus, it is not possible to conceive of a plausible circumstance that Respondent could legitimately use the Domain Name for its business. As a result of Complainant's notoriety and an absence of evidence of Respondent being known as or doing business as Camping World or Camping World US, the primary purpose of the registration and use of the Domain Name was to divert Complainant's customers to Respondent's site.

Moreover, at the time of filing of the Complaint, Respondent had employed a privacy service to hide its identity, which past UDRP panels have held serves as further evidence of bad faith registration and use. Furthermore, evidence suggests that the information Respondent provided is false as the name, phone number, mailing address and email address could not be connected to a single individual or organization through an Internet search by Complainant's counsel.

In sum, Complainant contends it is more likely than not that Respondent knew of and targeted Complainant's CAMPING WORLD marks, and Respondent should be found to have registered and used the Domain Name in bad faith. Accordingly, Complainant requests the Panel find that the third element of the Policy has been satisfied.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed on its Complaint, Complainant must demonstrate that the three elements set forth in paragraph 4(a) of the Policy have been satisfied. These elements are that:

- (i) the Domain Name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) Respondent has registered and is using the Domain Name 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 Complainant's trademark and the Domain Name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

Here, Complainant has demonstrated well-established rights in its CAMPING WORLD trademark for purposes of the Policy. Moreover, the Panel finds the Domain Name is confusingly similar to Complainant's CAMPING WORLD mark. The addition of geographic abbreviation "us" does nothing to reduce such

confusion, particularly as Complainant's trademark is clearly recognizable within the Domain Name and the abbreviation refers to the country and market in which Complainant has established its widespread business. See [WIPO Overview 3.0](#), section 1.8 ("Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity...").

Accordingly, the Panel determines that the Domain Name is confusingly similar to Complainant's mark for the purposes of the Policy, and the first element of the Policy has been established.

B. Rights or Legitimate Interests

Regarding the second element of the Policy, section 2.1 of the [WIPO Overview 3.0](#), states, "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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element".

Here, the Panel determines that Complainant has made out a prima facie case, while Respondent has failed to respond to the Complaint. The Panel finds that Complainant has not authorized Respondent to use Complainant's CAMPING WORLD trademark; that Respondent is not commonly known by the Domain Name; that Respondent has not used the Domain Name for a legitimate noncommercial or fair use, nor used it in connection with a bona fide offering of goods or services. Instead, the Domain Name was linked to a website that impersonates Complainant and its CAMPING WORLD brand, using Complainant's trademark and logo without permission and purportedly offering products and services that Complainant also offers. Moreover, the website linked to the Domain Name fails to disclose Respondent lack of relationship with Complainant, thereby creating confusion. This goes hand-in-hand with Respondent's use of a privacy service to shield Respondent's identity as registrant of the Domain Name.

Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name. Accordingly, the Panel finds that Complainant has made a prima facie showing of Respondent's lack of rights or legitimate interests in respect of the Domain Name, which has not been rebutted by Respondent. The Panel therefore finds that Complainant has established the second element of the Policy in accordance with paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy requires that Complainant demonstrate that Respondent registered and is using the Domain Name in bad faith. [WIPO Overview 3.0](#), section 3.1, states, "bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark".

Here, the Panel determines that the Domain Name was registered and is being used in bad faith. Based on the evidence – including Complainant's well-known and longstanding rights in its CAMPING WORLD mark and the apparent copying of Complainant's mark and logo, and the virtually identical offerings to those of Complainant's products on Respondent's website – there is little doubt that Respondent, when registering the Domain Name, was aware of Complainant and its CAMPING WORLD marks, and intentionally targeted those marks, when registering the Domain Name. Complainant's earliest trademark registration predates registration of the Domain Name by more than 60 years, and the CAMPING WORLD marks are distinctive and well-known. Respondent's addition of the geographic indicator "US" does not avoid potential confusion among Internet users, especially as Complainant operates in the US using its CAMPING WORLD brand. See [WIPO Overview 3.0](#), section 3.1.4 ("Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith."). Thus, given the distinctiveness of Complainant's CAMPING WORLD marks, the timing of the registration of the Domain Name many years after Complainant

had establish rights in its marks, and the fact that the Domain Name is so obviously connected with Complainant's marks, the Panel considers that the only logical conclusion is that Respondent targeted Complainant and its marks when registering the Domain Name. See *Accenture Global Services Limited v. ICS Inc. / PrivacyProtect.org*, WIPO Case No. [D2013-2098](#) (finding that it was unlikely that the respondent was unaware of complainant and its ACCENTURE mark at the time the disputed domain name was registered); see also *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#) ("the Panel makes its finding regarding bad faith registration by asking whether it is more likely than not from the record of the evidence in the proceeding that the Respondent had the ELECTRIC FOOTBALL trademark in mind when registering the Domain Name.").

This point is further confirmed by Respondent's use of the Domain Name. At the time the Complaint was filed the Domain Name directed to a website featuring infringing uses of Complainant's CAMPING WORLD trademarks, designed to confuse consumers into believing they are viewing goods offered directly by Complainant when in fact they are accessing a site operated by a third party with no authorization to use Complainant's content in this manner. In view of all of the above evidence, the Panel determines, on the balance of the probabilities, that Respondent has used the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to Respondent's site by creating a likelihood of confusion with Complainant and its CAMPING WORLD trademark. See Policy, paragraph 4(b)(iv).

In conclusion, in this case, where Respondent failed to submit a Response to Complainant's contentions, the Panel determines that, for all of the above reasons, the Domain Name was registered and is being used in bad faith. Accordingly, Complainant has satisfied 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 <campingworldus.com> be transferred to Complainant.

/Christopher S. Gibson/

Christopher S. Gibson

Sole Panelist

Date: July 18, 2024