

ADMINISTRATIVE PANEL DECISION

Amadeus IT Group, S.A. v. Domain Admin, TotalDomain Privacy Ltd
Case No. D2024-2429

1. The Parties

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

The Respondent is Domain Admin, TotalDomain Privacy Ltd, Panama.

2. The Domain Name and Registrar

The disputed domain name <amadues.com> (the “Domain Name”) is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2024. On June 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 15, 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 (Privacy Protect) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 17, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on June 19, 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 Respondent of the Complaint, and the proceedings commenced on June 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 15, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on July 18, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is founded in 1987. It provides technology solutions and services for the travel industry ecosystem: airlines, airports and ground handlers, car rental agencies, corporations, cruise and ferry operators, hotels and event venues, insurance providers, travel sellers, tourism boards and travelers. Its customers include renowned travel operators such as Air Canada, Ryanair, Amsterdam Airport Schiphol and Azul Brazilian Airlines. The Complainant comprises over 15,000 professionals serving in more than 190 countries, with offices on every continent.

The Complainant holds trademark registrations that consist of or predominantly include the term AMADEUS spanning more than 165 countries, e.g. international trademark registration number 511594 (register April 7, 1987). The Panel also notes from a previous UDRP decision quoted by the Complainant that “[t]he Complainant has operated its primary website “www.amadeus.com” since at least November 2014 to promote its business.”, *Amadeus IT Group, S.A. v. AAAA GGGG*, WIPO Case No. [D2023-4642](#).¹

The Complaint documents that the Domain Name until May 3, 2024, appears to have resolved to a webpage displaying pay-per-click (PPC) links. The Domain Name has been offered for sale at the domain name auction web site “sedo.com”. At the time of drafting the Decision, the Domain Name resolved to an error page.

5. Parties’ Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and contends that the Domain Name is confusingly similar to the Complainant’s trademark. The only variation being a typo in the form of switching of two central vocals “e” and “u”.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant asserts that the Respondent does not own any registered rights in any trademark which comprises part or all of the Domain Name, nor is the Respondent commonly known by the Domain Name. There is no evidence of the Respondent’s use of the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. The Respondent had the opportunity to demonstrate the legitimacy of its position, but failed to do so.

Based on the composition of the Domain Name, and the fame of the Complainant’s trademark, the Complainant argues that the Respondent must have known, or at the least should have known, of the Complainant’s trademark rights. The mere registration of the Domain Name, a typo of the Complainant’s famous trademark, creates by itself a presumption of bad faith. Moreover, the Domain Name is offered for sale, and the primary objective of the Respondent is to target either the Complainant or a competitor of the Complainant. The sale at USD 4,399 on “sedo.com”, which exceeds the Respondent’s documented out-of-pocket costs, is evidence of bad faith use.

B. Respondent

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

¹ As part of the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel has visited “www.amadeus.com”, and has corroborated that the domain name <amadeus.com> hosts the Complainant’s website.

6. Discussion and Findings

A. Identical or Confusingly Similar

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has established that it has rights in the trademark AMADEUS. In this case, the Domain Name is identical to the Complainant's trademark, save for the order of the letters "e" and "u". This change does not prevent a finding of confusing similarity between the Domain Name and the Complainant's trademark. In the lack of any other explanation, the registration appears to be an intentional misspelling of the Complainant's trademark (typosquatting). [WIPO Overview 3.0](#), section 1.9.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"). [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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.

Based on the evidence in the present matter, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. The non-use does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Furthermore, the Panel finds that the composition of the Domain Name carries a risk of implied affiliation with the Complainant.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

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.

The Panel finds that the Respondent most likely knew of the Complainant when it registered the Domain Name. It is based on the composition of the Domain Name, the fame of the Complainant's trademark, and also the similarity between the Domain Name the Complainant's domain name. Moreover, the Panel agrees

that the mere registration of the Domain Name that is a typo of a well-known trademark, particularly in this case where the Complainant operates <amadeus.com>, creates a presumption of bad faith. Moreover, the Domain Name has been offered for sale, and the Respondent has not presented any evidence of good faith use.

Based on the available record, 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 the Domain Name <amadues.com> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: August 1, 2024