

## **ADMINISTRATIVE PANEL DECISION**

Trivago N.V. v. liang ling, lin  
Case No. D2024-2955

### **1. The Parties**

The Complainant is Trivago N.V., Germany, internally represented.

The Respondent is liang ling, lin, United States of America (“United States”).

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

The disputed domain name <trivago.vip> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 9, 2024. On July 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 19, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (NameSilo, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 19, 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 July 24, 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 July 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 16, 2024.

The Center appointed Moonchul Chang as the sole panelist in this matter on August 21, 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 operates on the market under the trademark TRIVAGO since 2006, starting in Germany and building a worldwide operating platform. The Complainant provides hotel price comparison services, travel reservation and booking, reservation services and organization of travel events and trips.

The Complainant is the owner of TRIVAGO trademarks as follows:

- International trademark registration with registration No. 910828, registered on August 18, 2006,
- United States trademark registration with registration No. 4069216, registered on December 13, 2011,
- United States trademark registration with registration No. 5156098, registered on March 7, 2017.

The Complainant also owns several domain names incorporating TRIVAGO trademark. Its main domain name <trivago.com> was registered on February 18, 2004, which resolves to the main website where the Complainant provides its services.

The disputed domain name was registered by the Respondent on June 13, 2024. According to evidence the Complainant provided to the Panel, the disputed domain name has resolved to a website displaying the TRIVAGO mark at its heading and a user's login or registration option in Korean script, which requested the user's "phone number" and "password".

#### **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.

The Complainant contends that: (a) the disputed domain name incorporates the Complainant's TRIVAGO trademarks in its entirety with addition of the generic Top Level Domain ("gTLD") ".vip"; (b) the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not licensed or permitted the Respondent to use its trademarks in registering the disputed domain name. The Respondent has no rights or legitimate interests in the TRIVAGO mark and the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use; and (c) the disputed domain name was registered and is being used in bad faith. Because the Complainant's trademark TRIVAGO is internationally well-known, it is certain that the Respondent has been aware of the reputation of the TRIVAGO mark when registering the disputed domain name. The Respondent uses the website to attempt to take unfair advantage of the Complainant's reputation or to attempt passing off or phishing by falsely suggesting that the Respondent is somehow affiliated or otherwise connected to the Complainant.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainants must demonstrate that the three elements enumerated in paragraph 4(a) of the Policy have been satisfied. These elements are that: (i) the disputed domain name is identical or confusingly similar to the Complainants' trademark or service mark; and (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.

## **A. Identical or Confusingly Similar**

The disputed domain name includes the Complainant's trademark TRIVAGO in its entirety together with addition of the gTLD ".vip".

Where the Complainant holds registered trademarks TRIVAGO, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.2.1).

It is also well accepted that the first element functions primarily as a standing requirement. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. (Section 1.7 of [WIPO Overview 3.0](#)).

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. (Section 1.7 of [WIPO Overview 3.0](#)).

In addition, the gTLD ".vip" is disregarded under the confusing similarity test. (Section 1.11.1 of [WIPO Overview 3.0](#)).

Accordingly, the Panel finds that the first element under paragraph 4(a) of the Policy has been met by the Complainant.

## **B. Rights or Legitimate Interests**

Under paragraph 4(a)(ii) of the Policy, the overall burden of proof is on the Complainant. However, once the Complainant presents a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, the burden of production of evidence shifts to the Respondent. (Section 2.1 of [WIPO Overview 3.0](#)).

First, the Complainant contends that it has not authorized the Respondent to use the trademark TRIVAGO to register any domain names incorporating it. Nonetheless, the composition of the Respondent's disputed domain name carries a high risk of implying that it was affiliated with the Complainant.

Secondly, the Respondent has no rights or legitimate interests in the TRIVAGO mark and the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Respondent has used the disputed domain name by resolving to the website displaying the TRIVAGO mark at its heading and a user's login or registration option in Korean script to impersonate the Complainant and its affiliated company, and seek sensitive information from unsuspecting Internet users. The Panel considers that the use of a domain name for illegal activity such as impersonation or phishing, can never confer rights or legitimate interests on a respondent. (Section 2.13.1 of [WIPO Overview 3.0](#))

Thirdly, there is no evidence to suggest that the Respondent has been commonly known by the disputed domain name. In the consideration of the above circumstances the Panel finds that the Complainant has made out a prima facie case and the Respondent failed to come forward with any appropriate evidence that might rebut the Complainant's prima facie case.

Accordingly, the Panel concludes that the Complainant has satisfied the second element under paragraph 4(a) of the Policy in the present case.

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

Paragraph 4(a)(iii) of the Policy requires that the disputed domain name "has been registered and is being used in bad faith". Thus, for the Complaint to succeed, a UDRP Panel must be satisfied that a domain name has been registered and is being used in bad faith. These requirements are conjunctive; each must be

proven or the Complaint fails. In addition, 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 (section 3.2.1 of [WIPO Overview 3.0](#)).

First, the Complainant obtained the international registration of TRIVAGO trademarks earlier than the Respondent registered the disputed domain name. Having considered that the Complainant's trademark TRIVAGO is well-known and the composition of the disputed domain name, being identical to the Complainant's distinctive trademark, it is highly probable that the Respondent has been aware of the reputation of the TRIVAGO mark when registering a confusingly similar domain name. Thus, it is also considered bad faith registration that the Respondent deliberately chose the disputed domain name to create a likelihood of confusion with the Complainant's trademark so as to create a false association or affiliation with the Complainant.

Secondly, the Respondent has used the disputed domain name to resolve to a website displaying the TRIVAGO mark at its heading and a user's login or registration option in Korean script to impersonate the Complainant and its affiliated company, and seek sensitive information from unsuspecting Internet users. Panels have held that the use of a domain name for illegal activity such as impersonation or phishing constitutes bad faith. (Section 3.4. of [WIPO Overview 3.0](#))

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. It is also considered that the Respondent intentionally attempted to attract Internet users for commercial gain to its website by creating a likelihood of confusion with the Complainant's trademarks.

Therefore, the Panel concludes that the Complainant has satisfied the third element under paragraph 4(a) of the Policy in the present case.

## **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 <trivago.vip> be transferred to the Complainant.

*/Moonchul Chang/*

**Moonchul Chang**

Sole Panelist

Date: August 30, 2024