

ADMINISTRATIVE PANEL DECISION

TravelPerk S.L.U. v. John Bredly, Georgia Power, AnTosha Abadon, belTelecom, Tessa Burnet, dominiondiagnostics, Tosha Steel, Telecom, Arut Geikob, Ar Travel, Ben Blaid, travelperk, Dirk Zagers, Brad Lemonchela, John Richardson, RentsGey Lcc
Case No. D2024-3315

1. The Parties

The Complainant is TravelPerk S.L.U., Spain, represented by Harbottle & Lewis LLP, United Kingdom.

The Respondents are John Bredly, Georgia Power, United States of America (“United States”); AnTosha Abadon, belTelecom, United States; Tessa Burnet, dominiondiagnostics, United States; Tosha Steel, Telecom, United States; Arut Geikob, Ar Travel, United States; Ben Blaid, travelperk, United States; Brad Lemonchela, United States; John Richardson, RentsGey Lcc, United States; and, Dirk Zagers, Germany.

2. The Domain Name and Registrar

The disputed domain names <app-travelperk.com> and <travelpekr.com> are registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com.

The disputed domain names <travalperk.buzz>, <travelparke.com>, <travielperk.com>, <treveiperk.com>, <trevelperk.com>, and <trevelqerk.com> are registered with Dynadot Inc.

The disputed domain names <travellperks.com>, <travelperkin.com>, <travelperkins.com>, <travelpperk.com>, <travelsperkins.com>, and <travelsperks.com> are registered with Global Domain Group LLC (GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com, Dynadot Inc, and Global Domain Group LLC, collectively referred to as the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2024. On August 13, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain name. On August 14, 2024 and August 20, 2024, the Registrars transmitted by email to the Center their verifications disclosing registrant and contact information for the disputed domain name which differed from the named Respondents (To be confirmed by Registrars) and contact information in the Complaint. The Center sent an email communication to the Complainant on

August 20, 2024, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on August 30, 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 September 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 30, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 1, 2024.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on October 4, 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 is a SaaS business travel platform and a pioneer in the future of business travel. The TRAVELPERK brand was created in 2015 and has, over the last decade, helped thousands of companies manage their business travel. The Complainant promotes its business at "www.travelperk.com".

The Complainant holds numerous trademark registrations for the mark TRAVELPERK, including but not limited to: European Union Trade Mark No. 017878133, registered on July 13, 2018; and United States Registration No. 6021485, registered on March 31, 2020.

The disputed domain names were all registered between July 21, 2024 and August 5, 2024 and are therefore of a later date than the Complainant's abovementioned trademark registrations. The Panel notes that the Complainant provided evidence that the disputed domain names previously all directed to identical or very similar copycat login pages using the TRAVELPERK marks (with or without the side image), except for disputed domain names <app-travelperk.com> and <travellperk.com> which directed to event pages (and the disputed domain name <travellperks.com> which resolved at one time to a very similar copycat login page and at another time resolved to an event page). However, the Panel notes that on the date of this Decision, all disputed domain names direct to inactive or error websites.

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.

Notably, the Complainant contends that it is the owner of a number of registered trademarks for TRAVELPERK and that it has a strong reputation for the products under this trademark. The Complainant asserts that the disputed domain names are confusingly similar to the abovementioned trademarks since each disputed domain name contains one of the Complainant's trademarks either in its entirety, or with minor character differences, such as common misspellings and/or pluralisation of the TRAVELPERK marks. The Complainant contends that the Respondents are not licensed by or affiliated with the Complainant in any way and is not commonly known by the disputed domain names. The Complainant argues that the Respondents are not making a legitimate or fair use of the disputed domain names, and that the Respondents' goal is to

mislead consumers into believing that the Respondents' websites are associated with the Complainant. The Complainant also argues that the goal of the websites linked to the disputed domain names is to trick its customers to input their login details into what they believe to be the Complainant's website, which the Respondents are harvesting, then logging into those customers' real accounts at the Complainant's website and placing orders in a phishing and fraudulent scheme. The Complainant also adds that the Respondents must have known of the TRAVELPERK marks at the time of registering the disputed domain names. The Complainant essentially alleges that the abovementioned facts mean that the Respondents have no rights or legitimate interests in the disputed domain names, which, it argues, were registered and are used in bad faith.

B. Respondents

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

6. Discussion and Findings

6.1 Preliminary Issue: Request for Consolidation of Multiple Respondents

The Complainant requested consolidation of the Respondents in a single Complaint.

In this regard, paragraphs 3(c) and 10(e) of the Rules, respectively, provide that: "The complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder" and "A panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules". It follows from the foregoing paragraphs of the Rules and from the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), paragraph 4.11.2, that the consolidation of multiple respondents in a single administrative proceeding may, in certain circumstances, be appropriate, provided that the Complainant can demonstrate that the disputed domain names or the websites to which they resolve are subject to common control, and the Panel, having regard to all of the relevant circumstances, determines that such consolidation is procedurally efficient, fair and equitable to all Parties (see also earlier UDRP decisions such as *Lennar Pacific Properties Management, Inc., Lennar Mortgage, LLC v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico, 杨智超 (Zhichao Yang)*, WIPO Case No. [D2021-4262](#)).

In the present case, the Complainant essentially contends that the disputed domain names are all under common control based on the following elements: the similar typosquatting naming pattern of the disputed domain names targeting the Complainant's trademarks, the alleged clearly identifiable patterns and correlations including the Respondents' use of a series of false names and contact information to register the disputed domain names as part of a coordinated phishing attack against the Complainant, and the fact that the disputed domain names were all registered within the space of approximately two weeks.

Accordingly, the Panel finds it more likely than not that the disputed domain names are subject to common control, particularly based on the fact that they have all, according to the Complainant's evidence, been created using a similar typosquatting naming pattern targeting the Complainant's marks, were registered within a short timeframe, and seem to have all been registered with false identity and contact information.

Regarding 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.

6.2 Substantive Issues

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.

Based on the available record, the Panel finds 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 Panel finds that the Complainant's mark is recognizable within all the disputed domain names, which each time appear to contain various intentionally misspelled (or "typosquatted") versions of the Complainant's mark (whether through minor differences, such as common misspellings and/or pluralisation of the TRAVELPERK marks). Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, 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 disputed domain names.

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 domain names 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, upon review of the facts and evidence, the Panel notes that the Respondent has not provided any evidence of the use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Instead, upon review of the facts and the evidence submitted in this proceeding, the Panel notes that the disputed domain names directed to active websites which showed a clear intent on the part of the Respondent to impersonate the Complainant to commit fraud or theft of personal information or phishing directed at the Complainant and its customers. Given the abovementioned elements, the Panel concludes that the Respondent's use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain names.

However, the Panel notes that on the date of this Decision, the disputed domain names direct to inactive and error webpages. In this regard, the Panel finds that holding domain names passively, without making any use of it, also does not confer any rights or legitimate interests in those disputed domain names on the Respondent (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

Based on the available record, 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 intensive use of the Complainant's prior registered trademarks, the Panel finds that the subsequent registration of the disputed domain names, which are confusingly similar, typosquatted versions of such marks, clearly and consciously targeted the Complainant's prior registered trademarks. The Panel also notes that previous panels have recognized the Complainant's rights in these trademarks in earlier decisions applying the Policy, such as *TravelPerk S.L. v. 石磊 (Lei Shi)*, WIPO Case No. [D2024-1954](#). The Panel therefore deducts from the Respondent's efforts to target the Complainant's prior trademarks that the Respondent knew or should have known of the existence of the Complainant's trademarks at the time of registering the disputed domain names. This is also further confirmed by the actual use made of the disputed domain names by the Respondent, as the Respondent prominently used the Complainant's logo mark on such webpages and therefore knowingly targeted those marks. In the Panel's view, the foregoing elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain names in bad faith.

As to use of the disputed domain names in bad faith, the Complainant provides evidence that the disputed domain names directed to active websites which showed a clear intent on the part of the Respondent to commit fraud or theft of personal information or phishing targeted at the Complainant and its customers. The Panel concludes from these facts that the Respondent was intentionally attracting Internet users for commercial gain to such websites, by creating consumer confusion between the websites associated with the disputed domain names and the Complainant's trademarks. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. The Panel therefore finds that it has been demonstrated that the Respondent has used and is using the disputed domain names in bad faith.

However, the Panel notes that on the date of this Decision, the disputed domain names direct to inactive or error webpages. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the distinctiveness of the Complainant's trademarks, the composition of the disputed domain names, and their prior misleading use in a presumed phishing scheme directed against the Complainant, and also considers the unlikelihood of any future good faith use of the disputed domain names by the Respondent. The Panel finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

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 that the disputed domain names <travalperk.buzz>, <travellperks.com>, <travelparke.com>, <travelpekr.com>, <travelperkin.com>, <travelperkins.com>, <travelsperkins.com>, <travelsperks.com>, <travielperk.com>, <treveiperk.com>, <trevelperk.com>, <trevelqerk.com>, <app-travelperk.com>, and <travelperk.com> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: October 18, 2024