

ADMINISTRATIVE PANEL DECISION

Indie Campers Central Services Unipessoal Ltd v. Domain Admin,
TotalDomain Privacy Ltd
Case No. D2024-4045

1. The Parties

The Complainant is Indie Campers Central Services Unipessoal Ltd, Portugal, represented internally.

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

2. The Domain Name and Registrar

The disputed domain name <indicampers.com> 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 October 2, 2024. On October 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 3, 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 (Domain Admin, Privacy Protect LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same date, 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 amendment to the Complaint on October 4, 2024.

The Center verified that the Complaint together with the amendment to the 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 October 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 28, 2024.

The Center appointed Assen Alexiev as the sole panelist in this matter on November 1, 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 part of the Indie Campers Group, a motorhome rental business operating in Europe, North America, and Oceania with own fleet of over 7000 vehicles in more than 70 locations in Portugal, Spain, France, Italy, Germany, Netherlands (the Kingdom of), Croatia, United Kingdom, Belgium, Switzerland, Ireland, Sweden, Austria, Iceland, Denmark, Norway, Canada, Australia, New Zealand and in the United States of America.

The Complainant's affiliate Indie Campers Brand Unipessoal LDA is the owner of the following trademark registrations (the "INDIE CAMPERS trademark"):

– the United States of America trademark INDIE CAMPERS with registration No. 6182507, registered on October 27, 2020 for services in International Class 39, with claimed date of first use on January 1, 2013; and



– the European Union trademark  with registration No. 018461242, registered on August 31, 2021, for goods and services in International Classes 9, 12, 39, 41, and 43

The Panel also notes that the Complainant's affiliate was the owner of Portuguese trademark registration No. 586625 for the INDIE CAMPERS and design mark, filed on August 4, 2017, and registered on February 14, 2018, in classes 12, 20, 24, 35, 39, 41, and 43. This registration expired on July 16, 2024.

The Complainant is also the owner of the domain name <indiecampers.com> registered on December 30, 2012, which resolves to the Complainant's official website for its motorhome rental business. The earliest archived copy of this website at the Wayback Machine dates from July 2013.

The disputed domain name was registered on July 18, 2017. It resolves to a parking webpage containing pay-per-click ("PPC") links and a notice that the disputed domain name is for sale.

5. Parties' Contentions

A. Complainant

The Complainant states that the disputed domain name is confusingly similar to its INDIE CAMPERS trademark and is a typosquatted version of the Complainant's domain name <indiecampers.com>.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name, because it is not commonly known by it, is not affiliated to the Complainant, and has no relevant trademark rights. The Complainant points out that the disputed domain name resolves to a parking webpage that offers it for sale and contains PPC links for "camper rental" and "campervan hire" which relate to the Complainant's business and redirect to one of its competitors.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It notes that the disputed domain name was registered five years after the Complainant registered and started using its domain name <indiecampers.com>. According to the Complainant, the disputed domain name was registered primarily for the purpose of selling, renting, or otherwise transferring it to the Complainant or to a competitor of the Complainant for valuable consideration in excess of the Respondent's out-of-pocket costs, which is evident from the fact that it is offered for sale for USD 3563.85 at a webpage containing PPC links

redirecting visitors to direct competitors of the Complainant. The Complainant submits that this conduct is a form of extortion because the Complainant faces the choice either to purchase an expensive domain name or to risk it being used for phishing or scamming its clients.

The Complainant adds that the Respondent intentionally attempts to confuse for commercial gain the clients of the Complainant as to the source, sponsorship, affiliation, or endorsement of the campervan rental vehicle services offered through the PPC links placed on the webpage linked to the disputed domain name.

Finally, the Complainant notes that the identity of the owner of the disputed domain name is being intentionally concealed, since the public Whois information for it lists a privacy service as its registrant. and the registrant details for the disputed domain name disclosed by the Registrar specify another privacy service.

B. Respondent

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

6. Discussion and Findings

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

The Complainant has shown rights in respect of the INDIE CAMPERS trademark for the purposes of the Policy. A trademark owner's affiliate is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. Here, the Complainant is an affiliate of the owner of the INDIE CAMPERS trademark. [WIPO Overview 3.0](#), section 1.4.1.

The Panel finds the INDIE CAMPERS trademark is recognizable within the disputed domain name. It contains the sequence "indicampers" which reproduces the INDIE CAMPERS trademark, the Complainant's trade name and its domain name <indicampers.com> with the omission of the letter "e" in "indie", which omission has a very low effect on the overall appearance of the disputed domain name. The Panel finds that the disputed domain name as an intentional misspelling of the INDIE CAMPERS trademark is confusingly similar to this trademark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.9.

The Panel therefore 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 name. 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 name such as those enumerated in the Policy or otherwise.

The disputed domain name was registered before the registration of the INDIE CAMPERS trademark (this aspect of the case is discussed in the following section). However, its registration was made four years after the Complainant started operating its motorhome rental business through its website at the domain name <indiecampers.com>. The disputed domain name resolves to a parking webpage containing PPC links related to the Complainant's business, which redirect to one of its competitors. In the absence of any plausible alternative explanation by the Respondent, on balance these circumstances support a conclusion that the Respondent knew of the Complainant and its business when registering the disputed domain name, and that it chose the same not by coincidence, but because it represents an intentional misspelling of the Complainant's INDIE CAMPERS trade name and its domain name <indiecampers.com> in an attempt to confuse and attract Internet users searching for the Complainant. Such conduct cannot give rise to rights or legitimate interests in the disputed domain name. [WIPO Overview 3.0](#), section 2.9.

The Panel therefore finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The disputed domain name was registered in July 2017, while the Complainant's INDIE CAMPERS trademark was first applied for in August 2018 and registered in 2020. Where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent. As an exception to this general proposition, in certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith. [WIPO Overview 3.0](#), section 3.8.

The Complainant registered the domain name <indiecampers.com> on December 30, 2012, and has been doing business since then for motorhome rental business. In addition, the US trademark INDIE CAMPERS indicates a first use on January 1, 2013. Therefore, the Complainant was doing business under the name INDIE CAMPERS before the registration of the disputed domain name, and it is more likely than not that the Respondent has targeted the Complainant, its domain name, and its yet unregistered trademark.

Furthermore, as discussed in the previous section, there is no evidentiary basis to regard the disputed domain name otherwise than as an intentional misspelling of the Complainant's trade name, trademark and domain name, and it resolves to a parking webpage containing PPC links related to the Complainant's motorhome rental business that redirect visitors to one of the Complainant's competitors. The disputed domain name is also being offered for sale at a price that exceeds the normal out-of-pocket costs related to the registration of a ".com" domain name. The Respondent has not advanced any arguments nor evidence that it has registered and is using the disputed domain name for bona fide activities. At the same time, it has used an additional privacy service underlying the privacy service indicated in the public Whois data for the disputed domain name, which is an indication of bad faith ([WIPO Overview 3.0](#), section 3.6). Taken together, the above combination of circumstances leads the Panel to the conclusion that the Respondent registered the disputed domain name in an attempt to unfairly capitalize on them, either by selling the disputed domain name to the Complainant at a profit or by attracting for commercial gain Internet users by creating a likelihood of confusion with the Complainant and redirecting such users to one of its competitors. This supports a conclusion that the disputed domain name was registered and is being used in bad faith.

The Panel therefore 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 name <indicampers.com> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: November 15, 2024