

## ADMINISTRATIVE PANEL DECISION

Travelscape, LLC v. Soniya Jain  
Case No. D2024-4050

### 1. The Parties

Complainant is Travelscape, LLC, United States of America (“United States”), represented by Kilpatrick Townsend & Stockton LLP, United States.

Respondent is Soniya Jain, India.

### 2. The Domain Name and Registrar

The disputed domain name <travelocity.live> is registered with NameCheap, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 2, 2024. On October 3, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to Complainant on October 4, 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 October 8, 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 October 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 30, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 1, 2024.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on November 11, 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 is a company organized under the laws of the United States that is active in the travel services industry.

Complainant has provided evidence that it is the registered owner of various trademarks relating to its TRAVELOCITY brand, including, but not limited to, the following:

- word mark TRAVELOCITY, United States Patent and Trademark Office (“USPTO”), registration number: 2254700, registration date: June 22, 1999, status: active;
- word mark TRAVELOCITY, European Union Intellectual Property Office (“EUIPO”), registration number: 000163642, registration date: September 14, 2001, status: active.

Moreover, Complainant has evidenced to own since 1996 the domain name <travelocity.com> which resolves to Complainant’s main website at “www.travelocity.com”, promoting Complainant’s business in the travel services industry, including e.g. online travel bookings.

Respondent, according to the Registrar verification, is located in India. The disputed domain name was registered on July 29, 2024, and resolves to a website at “www.travelocity.live”, which purports to offer travel services (e.g. travel bookings and flights), thereby prominently displaying Complainant’s TRAVELOCITY trademark together with a plane logo and describing the business under such website as being “America’s top flight booking company”; the footer of the website includes the notice: “Copyright © 2024 Travelocity.”

Complainant requests that the disputed domain name be transferred to Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends to be a leading provider of consumer-direct travel services for leisure and business travelers with roots going back to 1996 and that its TRAVELOCITY trademark, due to long-standing use and promotion, has meanwhile acquired a high degree of public recognition and distinctiveness as a symbol of the source of high-quality services and products and embodies valuable reputation and goodwill belonging exclusively to Complainant.

Complainant submits that the disputed domain name is confusingly similar to Complainant’s (well-known) TRAVELOCITY trademark, as it fully incorporates the latter exactly and in its entirety. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Complainant’s adoption, use, and registration of the TRAVELOCITY trademark predates Respondent’s first use of the disputed domain name by several years, (2) the disputed domain name is not, nor could it be contented to be, a legitimate name or nickname of Respondent, nor is it in any other way identified with or related to any rights or legitimate interests of Respondent, (3) there is no relationship between complainant and respondent giving rise to any license, permission, or other rights by which Respondent could own or use any domain names incorporating Complainant’s TRAVELOCITY trademark, and (4) Respondent has used the disputed domain name without permission or authorization from Complainant to capitalize on the TRAVELOCITY name and trademark solely for Respondent’s benefit. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) the disputed domain name completely and solely incorporates Complainant’s exact

TRAVELOCITY trademark, was registered long after Complainant's rights in such trademark were established and after Complainant's services in the travel industry became well-known, (2) Respondent has done so without authorization from Complainant and for the sole purpose of impersonating Complainant in order to offer competing travel related services, and (3) Respondent has registered and is using the disputed domain name in a way that Internet users will mistakenly believe the disputed domain name is connected to, associated with, or endorsed or sponsored by Complainant, which is not the case.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

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

First, 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 TRAVELOCITY 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.

Complainant has shown rights in respect of its TRAVELOCITY trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Also, the entirety of such trademark is reproduced within the disputed domain name, without any deviations whatsoever. Accordingly, the disputed domain name is identical to Complainant's TRAVELOCITY trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. In this context, the Panel has also taken into account that the applicable Top Level Domain ("TLD") in a domain name (here, ".live") is viewed as a standard registration requirement and as such is disregarded under the first element identity/confusing similarity test.

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

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

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed 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 disputed domain name such as those enumerated in the Policy or otherwise.

In particular, Respondent has not been authorized to use Complainant's TRAVELOCITY trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the term "travelocity" on its own. To the contrary, the disputed domain resolves to a website at "www.travelocity.live", which purports to offer travel services (e.g. travel bookings and flights), thereby prominently displaying Complainant's TRAVELOCITY trademark without any authorization to do so, together with a plane logo and describing the business under such website as "America's top flight booking company"; this website neither displays reliable contact information nor a disclaimer that the website is not operated by or affiliated with Complainant. Such making use of the disputed domain name, therefore, neither qualifies as bona fide nor as legitimate noncommercial or fair within the meaning of the Policy, not even so under the so-called *Oki Data* principles which would indeed have required Respondent e.g. to accurately and prominently disclose on such website the nonexistent relationship between Respondent and Complainant as the TRAVELOCITY trademark holder, which Respondent – as evidenced by the website footer – quite to the contrary did not. [WIPO Overview 3.0](#), section 2.8.

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

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

Third, 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 circumstances to this case leave no doubts that Respondent was fully aware of Complainant's rights in its well-known TRAVELOCITY trademark when registering the disputed domain name and that the latter is clearly directed thereto. Moreover, using the disputed domain name, which is even identical with Complainant's TRAVELOCITY trademark, to run a website at "www.travelocity.live", which purports to offer travel services (e.g. travel bookings and flights), thereby prominently displaying Complainant's TRAVELOCITY trademark without any authorization to do so, and neither displaying reliable contact information nor a disclaimer that the website is not operated by or affiliated with Complainant, is a clear indication that Respondent intentionally attempted – and still attempts – to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's TRAVELOCITY trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel, therefore, finds that Complainant has established the third element of the Policy, too.

## 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, <travelocity.live>, be transferred to Complainant.

*/Stephanie G. Hartung/*

**Stephanie G. Hartung**

Sole Panelist

Date: November 25, 2024