

## **ADMINISTRATIVE PANEL DECISION**

Wild Goose Holding Co, Inc., Wawa, Inc., v. Srujan Kumar Avula, Sanju A  
Case No. D2024-4108

### **1. The Parties**

The Complainant is Wild Goose Holding Co, Inc. and Wawa, Inc., United States of America (“US”), represented by Caesar Rivise, PC, United States of America.

The Respondent is Srujan Kumar Avula and Sanju A, India.

### **2. The Domain Names and Registrars**

The disputed domain names <mywawavisit.page> and <mywawavisit.online> (the “Domain Names”) are respectively registered with NameCheap, Inc. and GoDaddy.com, LLC (the “Registrars”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 4, 2024. On October 7, 2024 and October 9, 2024, the Center transmitted by emails to the Registrars requests for registrar verification in connection with the Domain Names. On October 7, 2024, and October 9, 2024, the Registrars respectively transmitted by emails to the Center their verification response disclosing registrant and contact information for the Domain Names which differed regarding one of the Domain Names from the named Respondent (SRUJAN KUMAR AVULA) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 14, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all Domain Names are under common control. The Complainant filed an amended Complaint on October 15, 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 October 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 13, 2024.

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

#### **4. Factual Background**

The Complainant is a retailer and operator of convenience stores and vehicle fueling stations in the United States, offering a wide variety of goods and services. In connection with its business, the Complainant or its predecessor in interest, has used the name and trademark WAWA for more than 110 years. The trademark is promoted in media and advertisements.

The Complainant owns many trademark registrations, for example US trademark registration no. 0890189 (registered on April 28, 1970). The Complainant has registered the domain name <mywawavisit.com>.

The Domain Names were registered on October 2, 2024 and February 27, 2023. The Domain Names resolve to identical websites that purport to be associated with the Complainant. The websites invite the Complainant's customers to leave feedback.

#### **5. Parties' Contentions**

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

The Complainant argues that even if the Domain Names are listed with different registrants, the two registrants are the same and/or act in concert. The registrants have the same address and phone number. The registrants are known from UDPR case law to engage in the same phishing activity as in the current case.

The Complainant provides evidence of trademark registrations and argues based on US case law that the Complainant's trademark is famous and is entitled to the protection of the federal statute. Moreover, the Domain Names incorporate the Complainant's trademark in its entirety.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Names. The Respondent is not commonly known by "wawa". The Respondent has not been authorized by the Complainant to collect customer feedback.

The Complainant argues that the Respondent is known to engage in the type of phishing activity complained of herein, using misleading domain names confusingly similar to those of well-known brands. The sole function of the Respondent's websites is to deceive the Complainant's customers into believing there is an association between the unauthorized websites and the Complainant. The Respondent has copied elements from the Complainant's legitimate website, which proves that the Respondent knew of the Complainant when the Respondent registered the Domain Names.

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

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

## **6. Discussion and Findings**

### **6.1. Procedural matter - consolidation**

The Complaint was filed in relation to two nominally different domain name registrants. The Complainant argues that the registrants are the same entity and/or under common control. The Complainant requests the consolidation of the Complaint against the Domain Name registrants pursuant to paragraph 10(e) of the Rules. Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In addressing the Complainant's request, the Panel will consider whether (i) the Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As to common control, the Panel notes that the Domain Names are identical under different gTLDs registered within a short time period. The registrants have the same address and phone number. At least one of the listed registrants is known to engage in phishing. The Domain Names target the Complainant's trademark and have resolved to identical or highly similar websites.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. The registrants have been granted the right to comment but opted not to. Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Domain Name registrants (referred to as "the Respondent") in a single proceeding.

### **6.2. Substantive Issues**

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

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademarks and the Domain Names. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has established that it has rights in the trademark WAWA. The Domain Names incorporate the Complainant's trademark with the addition of "my" in front and "visit" at the end. The additions do not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8.

For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the gTLD. See [WIPO Overview 3.0](#), section 1.11.1.

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 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. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Names. The Respondent has not rebutted the Complainant's showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Names. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services. On the contrary, the use of the Domain Names is evidence of bad faith, see below.

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.

The composition and use of the Domain Names, coupled with the fame of the Complainant's trademark, make it clear that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Names. The use of the Domain Names to mimic the Complainant, is further evidence of bad faith. The Respondent's phishing activity does not confer rights or legitimate interests, and it is clear evidence of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. The third element of the Policy has been established.

## **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 Names <mywawavisit.online> and <mywawavisit.page> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: December 3, 2024