

ADMINISTRATIVE PANEL DECISION

CWI, LLC v. Trevor Harmon
Case No. DAI2024-0049

1. The Parties

The Complainant is CWI, LLC, United States of America (“US”), represented by Neal & McDevitt, US.

The Respondent is Trevor Harmon, US, self-represented.

2. The Domain Name and Registrar

The disputed domain name <campingworld.ai> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 12, 2024. On June 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 21, 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, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 28, 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 3, 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 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 28, 2024. The Respondent sent an email communication to the Center on June 28, 2024. The Response was filed with the Center on July 28, 2024.

The Center appointed Martin Schwimmer as the sole panelist in this matter on August 5, 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.

On August 6, 2024, the Complainant filed a supplemental filing in response to the Response.

4. Factual Background

Complainant, through its licensees and related entities, operates one of the US's largest networks of recreational vehicle ("RV") sales, service centers, equipment, and accessories under Complainant's well known CAMPING WORLD trademarks. Since the company's inception in the mid-1960's, Complainant has grown to over 185 retail and service locations in North America, currently employing more than 12,000 employees and serving more than 4 million customers under its CAMPING WORLD marks. Through its Internet presence, Complainant reaches customers throughout North America and elsewhere with its RV and outdoor recreational related products and services. Complainant has used the CAMPING WORLD trademark in the US since at least 1968. In addition to its rights at common law, Complainant has offered evidence that it owns numerous US trademark registrations for the CAMPING WORLD trademark (both word marks and design marks with logos), including Registration Number 930,179 (registered on February 29, 1972, with first use on May 4, 1968), and Registration Number 4,536,315 (registered on May 27, 2014), which it uses in connection with its goods and services. Complainant's official website is at "www.campingworld.com." Complainant has invested substantial amounts to market, promote, and advertise its goods and services provided under the CAMPING WORLD mark over the years, which the consuming public has come to associate with Complainant, and which has come to represent the quality of goods and services that Complainant offers.

The disputed domain name was registered on January 18, 2023 and at the time of the Complaint, resolved to a registrar parking page soliciting offers to sell the disputed domain name.

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.

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith. In particular, Complainant contends that it has trademark registrations for CAMPING WORLD, and that Respondent registered and is using the disputed domain name with the intention to confuse Internet users looking for bona fide and well known CAMPING WORLD products and services. Complainant notes that it has no affiliation with Respondent. Complainant further contends that Respondent is using the disputed domain name as a tool to exploit Complainant's reputation for its own commercial gain, and that Respondent has no rights or legitimate interests in the registration and use of the disputed domain name other than trademark infringement. Further, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the disputed domain name, when Respondent clearly knew of Complainant's rights.

B. Respondent

The Respondent contends that the Complainant has not satisfied two of the three elements required under the Policy for a transfer of the disputed domain name.

The Respondent contends that he has made significant investments to develop AI software related to the provision of camping information, to be disseminated through a website using the disputed domain name.

The Respondent's offer to sell the disputed domain name to the Complainant for USD25,000 was in response to an unsolicited offer by the Complainant to purchase the disputed domain name for USD10,000. The counter-offer was a plausible and lawful response to an unsolicited offer to buy an asset.

6. Discussion and Findings

As a preliminary procedural matter, the Panel did not consider an unsolicited supplemental filing made by the Complainant.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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. [WIPO Overview 3.0](#), section 1.7.

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.

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 evidence shows that the disputed domain name has been used solely for a registrar parking page soliciting offers to sell the disputed domain name. The Complainant asserts that the Respondent offered to sell the disputed domain name to the Complainant for USD25,000, an amount in excess of any reasonable cost of registering the disputed domain name.

The Respondent does not rebut that this has been the public use of the disputed domain name but rather contends that he has registered the disputed domain name as part of a project to make bona fide use of it. However, the Respondent has not established the existence of any such bona fide use.

The Respondent asserts that he commissioned the development of AI software that pertains to camping information, which information would be disseminated through a website utilizing the disputed domain name. As for the offer to sell the disputed domain name, the Respondent explains that the offer he made to the complainant to sell the name for USD25,000, was merely the opportunistic response to the Complainant's unsolicited offer to purchase the disputed domain name for USD10,000.

However, the Respondent's evidence, consisting of four screenshots, is insufficient to support this narrative.

First, the screenshot of a web page at a website, "www.theplay.ai", produced by the Respondent, shows various subject tabs, none of them pertaining to camping nor to software development. There is no visible connection between any information on the page and the Respondent (or for that matter with the disputed domain name).

A second screenshot contains an excerpt from what is apparently an agreement between a corporation named "Arcadia Fence & Gate Company" and a programmer named "Jose". There is no explanation of the relationship between the Arcadia company and the Respondent, however, even assuming that there was a connection, the agreement does not specify the name of the program to be developed, nor even to the subject matter of the software to be developed. However, even if the Respondent did establish that he was developing software pertaining to camping information, he did not provide evidence that he was doing so in connection with a project that would utilize the disputed domain name. The Panel notes that the Respondent asserts that he owns multiple domain names, and appears to own a bricks-and-mortar business (not related to camping).

Also, as discussed further below and in Section C, Respondent's assertion that he intended to utilize the disputed domain name in connection with a bona fide use, is contradicted by the Respondent's choice of a parking page that solicited offers to sell the disputed domain name (which parking page does not mention the Respondent nor any business associated with the Respondent, existing or planned).

Accordingly, Respondent's assertion that it intended to offer camping information utilizing the disputed domain name, is unsupported, and indeed undercut by the evidence he provided.

Furthermore, even if the Respondent had been able to establish that he was using the disputed domain name to disseminate camping information, which he did not, such use may be infringing more broadly speaking, given the Complainant's ownership of the well-known CAMPING WORLD trademark, which trademark has been in use in connection with camping vehicles since the 1960's. Such potential infringing use cannot be deemed to be in good faith.

With regard to Complainant's allegation that the Respondent obtained the disputed domain name for the purposes of selling it, the Panel's holding implicates both whether the Respondent has legitimated interests in the domain name, and whether the domain name was registered and is being used in bad faith. The Panel finds that the Respondent did not establish legitimate interests in the domain name, for the reasons discussed further in Section C. below.

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.

In the present case, the Panel finds that the Respondent registered the disputed domain name to sell it to the Complainant or a third party for a profit, as evidenced by the Respondent's offer to sell the disputed domain name through use of a parking page advertising such sale. Thus he registered and used the disputed domain name in bad faith.

First, as stated above, the Complainant has been using the CAMPING WORLD trademark for about 60 years, and has established that it is a strong trademark. Other panels have found the trademark to be well-known. *CWI, LLC v. Franklin Ronald*, WIPO Case No. [D2024-2036](#).

The Panel also finds that the Respondent was less than credible in his arguments and evidence. In attempting to explain why selling the disputed domain name was not his primary motivation in obtaining the disputed domain name, the Respondent categorizes his offer to sell the disputed domain name to the Complainant for USD25,000, as a reasonable opportunistic response to the Complainant's unsolicited offer to buy the disputed domain name. He characterized his primary motivation for purchasing the disputed domain name was an intended camping information project using the disputed domain name. However, as discussed above, the Respondent could neither provide evidence tying such a venture to the disputed domain name, nor could he explain why the parking page for the disputed domain name solicited offers to sell it, while not referring to either the Respondent nor his planned venture regarding the dissemination of camping information.

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 name <campingworld.ai> be transferred to the Complainant.

/Martin Schwimmer/

Martin Schwimmer

Sole Panelist

Date: September 3, 2024