

ADMINISTRATIVE PANEL DECISION

Hostelworld.com Limited v. huangbo, huangbo
Case No. D2022-3341

1. The Parties

The Complainant is Hostelworld.com Limited, Ireland, represented by Tomkins & Co., Ireland.

The Respondent is huangbo, huangbo, China.

2. The Domain Name and Registrar

The disputed domain name <hostelworlf.com> (the “Disputed Domain Name”) is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 8, 2022. On September 9, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 12, 2022, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 13, 2022, 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 September 13, 2022.

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 September 22, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 12, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 25, 2022.

The Center appointed Mariya Koval as the sole panelist in this matter on October 28, 2022. 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, founded in 1999, is a leading global hostel-booking platform operating in 23 different languages. Connecting young travelers with hostels around the world, the Complainant has over eight million reviews across 36,000 properties in more than 178 countries. Headquartered in Dublin, the Complainant has offices around the world in London, Shanghai, Sydney and Seoul, and was awarded as a Best Workplace for 2016 and 2017 by the Great Place To Work Institute.

The Complainant is the owner of a number of HOSTELWORLD and HOSTELWORLD.COM trademark (the HOSTELWORLD Trademarks) registrations throughout the world, among which are:

- International Trademark Registration No. 899896, registered on August 23, 2006, in respect of services in classes 39 and 43;
- International Trademark Registration No. 1265596, registered on May 20, 2015, in respect of services in classes 35, 39, 41 and 43;
- United States Trademark Registration No. 4305641, registered on March 19, 2013, in respect of services in class 35;
- European Union Trademark Registration No. 009273947, registered on January 7, 2011, in respect of services in class 35;
- Chinese Trademark Registration No. 7956882, registered on May 28, 2013, in respect of services in class 43;
- Chinese Trademark Registration No. 7956881, registered on November 7, 2012, in respect of services in class 35.

The Complainant operates the domain name <hostelworld.com> (registered on May 12, 1999), reflecting its HOSTELWORLD Trademarks for providing its services and support to the users. The Complainant has also a presence on all major social media including Twitter, Facebook, YouTube and Instagram. The Complainant's official website "www.hostelworld.com" has won numerous awards in recognition of its excellence

The Disputed Domain Name was registered on June 9, 2022. As of the date of this decision, the Disputed Domain Name resolves to an inactive website. However, according to the evidence presented by the Complainant on the date of filing the Complaint, the Disputed Domain Name resolved to a website displaying pornographic images and links to pornographic websites and websites offering gambling services for financial gain.

5. Parties' Contentions

A. Complainant

The Complainant contends that its registered HOSTELWORLD Trademarks, and its domain name <hostelworld.com>, all significantly predate the date of registration of the Disputed Domain Name. The Complainant submits that the HOSTELWORLD Trademarks are inherently distinctive for the Complainants

services and they have acquired further distinctiveness by virtue of continuous and extensive use since 1999.

The Complainant further claims that the Disputed Domain Name is visually, phonetically and conceptually confusingly similar to the Complainant's HOSTELWORLD Trademarks in which it has established rights. The Disputed Domain Name differs from the Complainant's HOSTELWORLD Trademarks only by one letter. The letters "d" and "f" are adjacent keyboard letters. The Complainant submits that the Disputed Domain Name contains an obvious and intentional misspelling of the Complainant's HOSTELWORLD Trademarks and is a prime example of deliberate and opportunistic "typosquatting". Internet users could easily mistype the Complainant's HOSTELWORLD Trademarks as "hostelworlf", thereby generating web traffic for the Respondent.

The Complainant asserts that the Respondent has no rights or legitimate interests in the Disputed Domain Name. At the time of the filing of this Complaint, and pursuant to an investigation conducted by the Complainant's legal representatives, there is no evidence suggesting that the Respondent has any rights in the Disputed Domain Name: the Respondent has not received authorization from the Complainant to use the Complainant's HOSTELWORLD Trademarks; the Respondent is not commonly known by the Disputed Domain Name; the Respondent is not affiliated with the Complainant in any way; and the Respondent does not hold any proprietary rights (registered or common law) in the terms composing the Disputed Domain Name.

The Respondent has registered the Disputed Domain Name with an obvious typographical error by replacing the adjacent keyboard letters "d" and "f" with one another. Internet users would commonly mistype "hostelworld" as "hostelworlf", thereby unduly generating website traffic for the Respondent. The Disputed Domain Name resolved to a website displaying pornographic images and links to pornographic websites and websites offering gambling services for financial gain. The Complainant submits that the aforementioned use is purely commercial in nature and any possibility of noncommercial or fair use is thereby excluded.

The Complainant further contends that the Disputed Domain Name actively sought to misleadingly divert Internet users to the Respondent's website. Parasitic and opportunistic typosquatting of the Complainant's well-known HOSTELWORLD Trademarks, with a view of misleadingly diverting Internet users to pornographic and gambling content, cannot be described as a *bona fide* offering of goods or services. On the contrary, the Respondent's actions may be characterized as being purely *mala fide*. The incorporation of pornographic material on the Respondent's website will, undoubtedly, lead to tarnishment of the Complainant's registered HOSTELWORLD Trademarks, thereby disrupting the Complainant's business.

The Complainant alleges that the Disputed Domain Name was registered and is being used in bad faith by the Respondent. The Complainant is the internationally recognized leader of online hostel booking/reservation services and related travel and tourism related services under the well-known HOSTELWORLD Trademarks and the domain name <hostelworld.com>. The HOSTELWORLD Trademarks are inherently distinctive signs that are unique to the Complainant. The HOSTELWORLD Trademarks are invented terms with no ordinary meaning or common usage and are therefore not generic terms. In light of the highly distinctive character of the HOSTELWORLD Trademarks, there is no good faith reason for the Respondent to register the Disputed Domain Name which is confusingly similar to the Complainant's HOSTELWORLD Trademarks.

The Complainant further submits that the Respondent undoubtedly knew about the Complainant's HOSTELWORLD Trademarks and rights at the time of registering the Disputed Domain Name, and despite such knowledge, proceeded to register it. The registration of the Complainant's HOSTELWORLD Trademarks effectively provided constructive notice to the Respondent of the Complainant's prior rights at the time the Disputed Domain Name was registered.

The Complainant also claims that by using the Disputed Domain Name for a website displaying pornographic images and links to pornographic websites and websites offering gambling services, the Respondent has intentionally attempted to attract for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's HOSTELWORLD Trademarks.

Furthermore, the Complainant alleges that the concealing by the Respondent of its identity through the use of a privacy registration service is a further indication of registration and use of the Disputed Domain Name in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

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

A. Identical or Confusingly Similar

The Complainant has properly asserted its rights in the HOSTELWORLD Trademarks due to the long use and registrations worldwide.

The Disputed Domain Name resembles the Complainant's registered HOSTELWORLD Trademarks with replacement of the letter "d" by the letter "f", and the generic Top-Level Domain ("gTLD") ".com". The Disputed Domain Name is an example of "typosquatting" when the spelling of a trademark has been minimally changed by the replacement of one letter. In fact, it seems as if the Respondent intentionally chose to change the letter "d" to the letter "f" for confusing similarity with the Complainant's HOSTELWORLD Trademarks and consequently – for deception of Internet users. According to the section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), a domain name which consists of a common, obvious, or intentional misspelling of a trademark is normally considered by panels to be confusingly similar to the relevant mark for purposes of the first element.

It is also well established that the gTLD, in this case ".com", is disregarded for the purpose of determining identity or confusing similarity under the first element.

In light of the above, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's HOSTELWORLD Trademarks, and that the Complainant has established the first condition of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

The Complainant has used its HOSTELWORLD Trademarks for more than 10 years and its domain name <hostelworld.com> – since 1999, which is long before the Respondent registered the Disputed Domain Name in 2022.

Taking into consideration the long use of the Complainant's HOSTELWORLD Trademarks, it is impossible to assume that the Respondent was unaware of the Complainant's HOSTELWORLD Trademarks at the time of registration of the Disputed Domain Name.

The Complainant alleges that the Respondent has no rights or legitimate interests in the Disputed Domain Names pursuant to paragraph 4(a)(ii) of the Policy. The Respondent is not commonly known by the Disputed Domain Name, the Respondent is not affiliated with the Complainant in any way, the Complainant has never authorized in any way, licensed, or permitted the Respondent to use the HOSTELWORLD Trademarks.

In accordance with section 2.1 of the [WIPO Overview 3.0](#), while the overall burden of proof in UDRP proceedings is on the Complainant, the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. If such *prima facie* case is made, the burden of production shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name. If the Respondent fails to come forward with such relevant evidence, the Complainant is generally deemed to have satisfied the second element.

The Respondent did not respond to the Complaint and did not participate in this proceeding, accordingly, the Respondent has failed to present any evidence to support any rights or legitimate interests in the Disputed Domain Name.

Moreover, taking into consideration the previous use of the Disputed Domain Name, namely for website displaying pornographic images and links to pornographic websites and websites offering gambling services for financial gain, the Respondent is not obviously making a legitimate noncommercial or fair use of the Disputed Domain Name, and accordingly the Panel concludes that the Respondent is not using the Disputed Domain Name in connection with a *bona fide* offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.

Also, there is no evidence that the Respondent appears to own any HOSTELWORLD Trademark, nor is the Respondent commonly known by the Disputed Domain Name.

In view of the foregoing, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy indicates some circumstances, 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:

(i) circumstances indicating that you [respondent] have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's

mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.

The Panel comes to the conclusion that the Disputed Domain Name was registered and has been used in bad faith in view of the following. Taking into consideration that the HOSTELWORLD Trademarks have been in use more than 10 years and that the Complainant has spent huge amounts and efforts for promotion of its HOSTELWORLD Trademarks, the Panel considers it is clear that the Respondent was well aware of the Complainant and its HOSTELWORLD Trademarks at the time of registration of the Disputed Domain Name. Moreover, the Disputed Domain Name, incorporating the Complainant's HOSTELWORLD Trademarks in their entirety with intentional change of the last letter "d" to "f", is clearly deceptive for Internet users with respect to the person producing the goods and rendering the services.

Also, the Disputed Domain Name, reproducing the Complainant's HOSTELWORLD Trademarks in their entirety is evidently deceptive for consumers. The Respondent obviously chose to register the Disputed Domain Name, which is a misspelling of the Complainant's HOSTELWORLD Trademarks, for the only purpose of attracting Internet users to the competing website by creating a likelihood of confusion with the Complainant's HOSTELWORLD Trademarks as to the source, sponsorship, affiliation or endorsement of the Respondent's website and of the services offered on it.

Furthermore, the Respondent has used the Disputed Domain Name to offer pornographic images and links to pornographic websites and websites offering gambling services for financial gain, which constitutes a classic example of "porno-squatting" in which confusion with a well-known trademark is used to divert customers to a pornographic website for commercial purposes. "Porno-squatting" constitutes a clear evidence of bad faith. The Panel also agrees with the Complainant that incorporation of pornographic material on the Respondent's website will, undoubtedly, lead to tarnishment of the Complainant's registered HOSTELWORLD Trademarks, thereby disrupting the Complainant's business.

Finally, the Respondent, not participating in these proceedings, has failed to indicate any facts and/or evidence, which would show the good faith registration and use of the Disputed Domain Name.

In view of the foregoing, the Panel finds that the paragraph 4(a)(iii) of the Policy has been satisfied by the Complainant and accordingly, the Disputed Domain Name has been registered and is being used in bad faith.

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 <hostelworlf.com> be transferred to the Complainant.

/Mariya Kova/

Mariya Koval

Sole Panelist

Date: November 11, 2022