

## **ADMINISTRATIVE PANEL DECISION**

CWI, LLC v. Ryan Szalankiewicz, Ryan's Camping World  
Case No. D2023-4781

### **1. The Parties**

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

Respondent is Ryan Szalankiewicz, Ryan's Camping World, US.

### **2. The Domain Name and Registrar**

The disputed domain name <ryanscampingworld.com> is registered with Tucows Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 16, 2023. On November 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 17, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from named Respondent (Contact Privacy Inc. Customer 0168223262) and contact information in the Complaint. The Center sent an email communication to Complainant on January 2, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Respondent sent an email communication to the Center on January 2, 2024, stating “I’m not sure what you’re asking me to do but I don’t have any open domains or online stores related to this name or anything else. I would appreciate you to dismiss any actions since I have no open liability towards your company.” On January 5, 2024, Complainant requested the suspension of the proceeding. The proceeding was suspended until February 4, 2024. On February 12, 2024, Complainant requested the reinstatement of the proceeding, explaining that “We have not received any further communication from the Respondent regarding settlement and wished for the proceedings to resume [...]” Accordingly, the proceeding was reinstated as of February 14, 2024. Complainant filed an amended Complaint on February 20, 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 February 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2024. Respondent did not submit any additional email communications to the Center or file any formal Response. On March 14, 2024, the Center notified the Parties that it would proceed to panel appointment.

The Center appointed Phillip V. Marano as the sole panelist in this matter on March 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 by the Center to ensure compliance with the Rules, paragraph 7.

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

Complainant, both directly and indirectly via its affiliates and licensees, operates a network of recreational vehicle sales, equipment, accessories, and service centers, with over 185 retail and service locations in North America. Complainant also offers its goods and services through its official <campingworld.com> domain name and website. Complainant owns valid and subsisting registrations for the CAMPING WORLD trademark in the US, including the trademark for CAMPING WORLD (Reg. No. 930, 179), registered on February 29, 1972, with the earliest priority dating back to May 4, 1968, as well as a registration for the CAMPING WORLD stylized and design trademark (Reg. No. 4,532,411), registered on May 20, 2014, with priority dating back to November 19, 2002. Each of the registrations submitted by Complainant features a disclaimer against exclusive rights to the word “camping”.

Respondent registered the disputed domain name on August 18, 2023. At the time this Complaint was filed, the disputed domain name redirected to what appeared from screenshots to be an ecommerce website hosted through the <ryansoutdoorworld.com> domain name. Respondent’s apparent ecommerce website featured a “Ryan’s Outdoor World” stylized and design mark that was somewhat similar in appearance to Complainant’s CAMPING WORLD stylized and design trademark. Respondent’s apparent ecommerce website also included offers to sell outdoor recreational products, in competition with Complainant’s sale of camping equipment. The disputed domain name currently resolves to a Shopify landing page that reads, “Sorry, this store is currently unavailable”, and the <ryansoutdoorworld.com> domain name to which it previously redirected no longer resolves to any website content.

#### **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.

Complainant asserts ownership of the CAMPING WORLD trademark and has adduced evidence of trademark registrations as summarized above, with earliest priority dating back to May 4, 1968. The disputed domain name is confusingly similar to Complainant’s CAMPING WORLD trademark, according to Complainant, because it incorporates Complainant’s trademark in its entirety and the presence of the descriptive term “ryan’s” does not eliminate the confusing similarity.

Complainant further asserts that Respondent lacks any rights or legitimate interests in the disputed domain name based on: the lack of any relationship, license, sponsorship, permission or authorization between Respondent and Complainant; Respondent’s unauthorized use of Complainant’s CAMPING WORLD trademark in the disputed domain name to redirect to Respondent’s ecommerce website that offers outdoor recreation products in direct competition with Complainant; and evidence that suggests Respondent is known by “Ryan’s Outdoor World”, rather than the disputed domain name or Complainant’s CAMPING WORLD trademark.

Complainant argues that Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: the well-known nature of Complainant's CAMPING WORLD trademark and the implausibility that Respondent could legitimately use the disputed domain name; Respondent's specific selection of the disputed domain name which includes Complainant's identical CAMPING WORLD trademark in order to create confusion and drive Internet traffic to Respondent's ecommerce website; Respondent's use of a privacy service to hide its identity; and Respondent's failure to respond to Complainant's cease and desist correspondence.

## **B. Respondent**

Beyond Respondent's January 2, 2024 email correspondence to the Center, disclaiming any association with the disputed domain name, Respondent did not formally reply to Complainant's contentions.

## **6. Discussion and Findings**

To succeed in its Complaint, Complainant must establish in accordance with paragraph 4(a) of the Policy:

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

Panels typically treat a respondent's submission of a so-called "informal response" (merely making unsupported conclusory statements and/or failing to specifically address the case merits as they relate to the three UDRP elements, e.g., simply asserting that the case "has no merit" and demanding that it be dismissed) in a similar manner as a respondent default. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), Section 4.3. Indeed, the Panel views Respondent's submissions, asserting "I don't have any open domains or online stores related to this name or any thing else" and asking Complainant "to dismiss any actions since I have no open liability towards your company," as akin to a respondent default.

Although Respondent did not reply to Complainant's contentions, the burden remains with Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. UDRP panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case, e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent. See [WIPO Overview 3.0](#), sections 4.2 and 4.3; see also *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the Complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

There is insufficient direct evidence or information in the record for the Panel to conclude whether or not the named Respondent, "Ryan Szalankiewicz, Ryan's Camping World", is indeed the beneficial owner of the disputed domain name, or potentially (as Respondent's email communication to the Center might suggest) a victim of identity theft. Nevertheless, the Panel can infer that the former scenario is more likely than not based on the available circumstantial evidence (including Respondents' pre-Complaint failure to reply to Complainant's cease and desist correspondence, Respondent's post-Complaint failure to engage in any further clarifying correspondence with Complainant or the Center, Respondent's decision not to file any Response to the Complaint). Thus, based on the lack of evidence to support identity theft, the Panel has opted not to redact from this decision the identity of the Respondent.

## A. Identical or Confusingly Similar

Ownership of a nationally or regionally registered trademark serves as prima facie evidence that Complainant has trademark rights for the purposes of standing to file this Complaint. [WIPO Overview 3.0](#), section 1.2.1. Where a complainant establishes UDRP standing on the basis of a mark subject to a disclaimer, the existence of the disclaimer may be relevant to the panel's assessment of the second and third elements, e.g., in considering possible legitimate trademark co-existence or scenarios where the disclaimed elements correspond to a dictionary term. [WIPO Overview 3.0](#), Section 1.10. Complainant submitted evidence that the CAMPING WORLD trademark has been registered in the US with priority dating back to May 4, 1968. Thus, the Panel finds that Complainant's rights in the CAMPING WORLD trademark have been established pursuant to the first element of the Policy.

The only remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to Complainant's CAMPING WORLD trademark. In this Complaint, the disputed domain name is confusingly similar to Complainant's trademark because, disregarding the ".com" generic Top-Level Domain ("gTLD"), the entirety of the trademark is contained within the disputed domain name. [WIPO Overview 3.0](#), section 1.7. ("This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the domain name ... [I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar..."). In regards to gTLDs, such as ".com" in the disputed domain name, they are generally viewed as a standard registration requirement and are disregarded under the first element. [WIPO Overview 3.0](#), section 1.11.1.

The combination with the prefix term "ryan's" does not prevent a finding of confusing similarity between Complainant's CAMPING WORLD trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.8 (Additional terms "whether descriptive, geographic, pejorative, meaningless, or otherwise" do not prevent a finding of confusing similarity under the first element"); see also *AT&T Corp. v. WorldclassMedia.com*, WIPO Case No. [D2000-0553](#) ("[e]ach of the domain names in dispute comprises a portion identical to a mark (ATT) in which the Complainant has rights, together with a portion comprising a geographic qualifier, which is insufficient to prevent the composite domain name from being confusingly similar to Complainant's mark [...]").

In view of the foregoing, the Panel concludes that Complainant has established the first element of the Policy.

## 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 limited 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.

Specifically, while some evidence in this case suggests that Respondent may be known by “Ryan’s Outdoor World”, there is no evidence in the record that would suggest Respondent was ever known by either the disputed domain name, or by Complainant’s CAMPING WORLD trademark. Indeed, the registration data disclosed by the Registrar indicates that Respondent’s name is “Ryan Szalankiewicz, Ryan’s Camping World.” And the disputed domain name previously redirected to the <ryansoutdoorworld.com> domain name resolving to Respondent’s apparent ecommerce website featuring the “Ryan’s Outdoor World” tradename, and design and standard character trademarks. And yet, the record is devoid of any evidence that might confirm whether Respondent’s website, when it was active, was ever actually a functional or legitimate ecommerce website; even if it was, in terms of a potential bona fide legitimate use Respondent could not have overcome the fact that its use of “camping world” instead of “outdoor world” would not be a fair use but an attempt to divert Internet traffic based on intending to create confusion with Complainant’s CAMPING WORLD mark.

In view of the foregoing, the Panel concludes that Complainant has established the second element of the Policy.

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

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that Respondent has registered or Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of Respondent’s documented out of pocket costs directly related to the disputed domain name; or
- ii. Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- iii. Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. By using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

Respondent has disavowed the disputed domain name and Respondent’s website. Furthermore, there is no direct evidence in the record from which the Panel might determine whether or not Respondent’s website, when it was operational, was indeed a legitimate ecommerce website from which outdoor recreational products could actually be purchased. Indeed, the Panel performed limited national incorporation and US Patent and Trademark Office searches and found no record of any entity named “Ryan’s Outdoor World” or any trademark applications or registrations for RYAN’S OUTDOOR WORLD. And screengrabs taken of Respondent’s website confirm that (i) Respondent used a similar stylized and design mark to Complainant and (ii) Respondent’s “contact us” webpage did not contain any contact information for Respondent, merely a blank webform. As referenced above, the record also reflects that counsel for Complainant sent a cease-and-desist letter to Respondent on October 2, 2023, filed its Complaint on November 16, 2023, and sometime thereafter Respondent disabled both the disputed domain name and Respondent’s website. Under these facts, the Panel finds that Respondent has registered and used the disputed domain name in bad faith.

Specifically, Respondent's redirect and underlying website "www.ryansoutdoorworld.com" were deactivated following this Complaint absent any attempt by Respondent to explain or justify its use of the disputed domain name. The Panel takes this as evidence of Respondent's bad faith. *LEGO Juris A/S v. Ammar Briouel / Brahim Mahjoubi*, WIPO Case No. [D2019-0750](#) (involving website suspension following a takedown request by Complainant).

Failure by Respondent to answer Complainant's cease-and-desist letter "suggests that Respondent was aware that it has no rights or legitimate interests in the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith." See *America Online, Inc. v. Antonio R. Diaz*, WIPO Case No. [D2000-1460](#). See also *Spyros Michopoulos S.A. v. John Talias, ToJo Enterprises*, WIPO Case No. [D2008-1003](#). Furthermore, the failure of Respondent to answer this Complaint or take any meaningful part in the present proceedings, in the view of the Panel, is another indication of bad faith on the part of Respondent. See *Bayerische Motoren Werke AG v. (This Domain is For Sale) Joshuathan Investments, Inc.*, WIPO Case No. [D2002-0787](#).

In view of the foregoing, the Panel concludes that 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 <ryanscampingworld.com> be transferred to the Complainant.

*/Phillip V. Marano/*  
**Phillip V. Marano**  
Sole Panelist  
Date: April 8, 2024