



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-1700972
Complainant:	Intrepid Travel Pty Limited
Respondent:	Joe Buckner
Disputed Domain Name(s):	<intrepidtravelgroup.net>

1. The Parties and Contested Domain Name

The Complainant is Intrepid Travel Pty Limited, of Level 7, 567 Collins Street, Melbourne, VIC 3000, Australia.

The Respondent is Joe Buckner, of 326 Stuart Street, Bridgeville, PA 15017, United States of America.

The domain name at issue is <**intrepidtravelgroup.net**>, registered by Respondent with Web Commerce Communications Limited dba WebNic.cc of Lot 2-2, Incubator 1, Technology Park Malaysia, Bukit Jalil, Kuala Lumpur, Wilayah Persekutuan 57000, Malaysia.

2. Procedural History

The Complaint was filed with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (the “Centre”) on May 9, 2017. On the same day, the Centre transmitted by e-mail to the registrar a request for registrar verification in connection with the disputed domain name. Later that day, the registrar transmitted by e-mail to the Centre its verification response confirming that the Respondent was listed as the registrant and providing the contact details.

The Centre verified that the 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 ADNDR Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Centre formally notified the Respondent of the Complaint, and the proceedings commenced on May 15, 2017. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2017. The Respondent did not submit any response. Accordingly, the Centre notified the Respondent’s default on June 6, 2017.

The Centre appointed Adam Samuel as the sole panelist in this matter on June 9, 2017. The Panel finds that it was properly constituted. The Panel has submitted a statement of acceptance

and declaration of impartiality and independence, as required by the Centre to ensure compliance with the Rules, paragraph 7.

3. Factual background

The Complainant is an international travel company. It owns a United States of America trademark for INTREPID (referred to hereafter as “the Complainant’s trademark”), registration no. 2904782, registered on November 23, 2004.

The disputed domain name was registered on July 13, 2016. The Complainant promotes its business through its domain name, <intrepidtravel.com>, registered on January 5, 2000.

The website to which the disputed domain name resolves appears currently to be inactive.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

- i. The Complainant is the world’s largest provider of small group experience-rich travel. The disputed domain name consists of the Complainant’s trademark and generic descriptive expressions, “travel group”, which makes the disputed domain name confusingly similar to the Complainant’s trademark. The fact that such terms are closely linked to the Complainant’s brand only underscores and increases the confusing similarity.
- ii. The Respondent is not commonly known by the disputed domain name and is not authorized, licensed or permitted in any way to register the disputed domain name or use the INTREPID trademark.
- iii. The Respondent’s purpose in holding the domain name is to fool unsuspecting visitors into divulging their personal information by sending phishing e-mails and posting job scams. The Respondent is trying to lure job-seekers into submitting application letters and curricula vitae in order to obtain their personal information.
- iv. The Respondent has sought to take advantage of the fame of the Complainant’s trademark and the trust that the Complainant has fostered among customers to increase traffic to the Respondent’s webpage for personal gain.
- v. The Respondent offered to sell travel packages which directly compete with the Complainant’s own packages.

B. Respondent

The Respondent did not reply to the Complaint.

5. Findings

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

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

A) Identical / Confusingly Similar

The disputed domain name consists of the Complainant's trademark and the words "travel" and "group". The Complainant is involved in travel and the word "group" does not serve to distract attention from the Complainant's trademark. For these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark.

B) Rights and Legitimate Interests

The Respondent is not called "Intrepid" or anything similar. There is no evidence that the Complainant has ever authorized the Respondent to use its trademark INTREPID. For these reasons, and in the absence of any response on this point, notably one contradicting the Complainant's claim that the Respondent has never been connected to it in any way, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C) Bad Faith

The Respondent's registration of a domain name consisting of a travel company's name and the term "travel" suggests that the Respondent knew of the Complainant's business before registering the disputed domain name and could easily have found its trademark registrations.

On October 31, 2016, advertisements for jobs with an Australian travel company, appeared on the "Umbrella" website and www.au.jobleh.com, which asked candidates to send their curricula vitae to the e-mail address, hq@intrepidtravelgroup.net. This is an e-mail address linked to the disputed domain name. The Respondent is located in the USA. The Complainant is principally located in Australia. Both advertisements referred to Melbourne, where the Complainant's head office is situated.

These two advertisements made it clear that, three months after registering the disputed domain name, the Respondent knew exactly who the Complainant was. On top of that, they showed that the Respondent was using the disputed domain name to obtain job applicants' details with respect to job positions which did not exist since the Respondent has apparently no commercial presence in Melbourne, Australia.

In the absence of a response, the Panel concludes that the Respondent probably registered the disputed domain name knowing of the Complainant's activities and intending to use the confusion between the disputed domain name and the Complainant's brand or trademark to obtain personal data from jobseekers. For these reasons, the Panel conclude that the disputed domain name was registered and used in bad faith.

6. 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, <intrepidtravelgroup.net>, be transferred to the Complainant.



Adam Samuel

Dated: June 22, 2017