

Response

Respondent

ORGANIZATION Star Travel LLC.

E-MAIL star@travel.com

TELEPHONE

FAX

Address of the seat/residence

ADDRESS Berkshire House, 252-256 Kings Road, Reading RG1

CITY

ZIP 252-256

COUNTRY United Kingdom

Domain names

DOMAIN 2024.com

REGISTRAR NAME Network Solutions, LLC

NAME Linda Shutterly

REGISTRAR URL www.networksolutions.comE-MAIL udrp@web.com

ADDRESS

COUNTRY

PHONES +1 8886429675,

Communication

COMMUNICATION WILL BE DIRECTED TO Respondent

FORM OF COMMUNICATION E-mail

E-MAIL star@travel.com

Complainant

ORGANIZATION International Olympic Committee (IOC)

E-MAIL international.olympic@committe.com

TELEPHONE

FAX

Address of the seat/residence

ADDRESS Maison Olympique, 1007 Lausanne, Switzerland

CITY Lausanne

ZIP 1007

COUNTRY Switzerland

Panellists

PANEL TYPE Single Panel

Fees

Fees payable for filing your Response and for additional services (if any) are as follows:

Respondent fee for selecting three-member panel:

0

Payment information

PAYMENT TYPE

UPLOAD COPY OF THE PAYMENT DOCUMENT

Other proceedings

INSERT ANY INFORMATION YOU HAVE REGARDING OTHER LEGAL PROCEEDINGS, PENDING OR DECIDED, WHICH RELATE TO THE DISPUTED DOMAIN NAME.

Factual and Legal Grounds

Factual Grounds

- I. Protected rights relied on by the Respondent
 - e. Trade name/business identifier
 - f. Geographical indication/designation of origin
- II. Respondent's Rights
 - a. Owner
 - e. Validity of rights relied on by the Respondent
 - iii. Generic/descriptive

Legal Grounds

- I. Domain name is neither identical nor confusingly similar to the protected mark for the following reasons:
 - a. Complainant's failure to meet standard of proof
- II. The Respondent has rights and/or legitimate interest in the domain name(s)
 - a. Use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services
 - ii. Bona fide offering
 - viii. Generic/Descriptive words
 - b. Commonly known by the domain name
 - d. Complainant's failure to meet standard of proof
- III. The domain name(s) has not been registered and used in bad faith
 - a. Meaning of registration
 - i. Acquisition
 - e. Complainant's failure to meet standard of proof

Please explain your arguments in detail below.

If you want to identify ADR.EU's and/or WIPO UDRP decisions in proceedings involving the same or similar categories of issues, please find the relevant decisions at [ADR.EU Decisions](#) and/or [WIPO Decisions](#) and put the specific case numbers in the text field below.



YOUR EXPLANATIONS

Response to the claim number CAC-UDRP-106324

The respondent is a well-known travel agency specialising in event tourism. The respondent's company works with other travel agents from all over the world, which helps them to cooperate and establish better services for their customers. The respondent decided to solicit their services in France during the current year, 2024. That's why the respondent decided to register the domain 2024.com. Since respondents' business is popular among the public, they managed to obtain a big advertiser, Pepsi Ltd.

• Trademarks of the claimant

We do not dispute that the claimant is the rightful owner of a unregistered as well as registered trademarks related to the Olympic games. However we can not agree that we are infringing on any of their rights.

First of all we are a serious business that offers their customers services ranging from accommodation to trips and cultural events. Our business model focuses on busy cities with substantial amount of tourism. We are well aware that Paris is expecting a heightened amount of tourists, in accordance with which we decided to register domains that would help these tourists to find a place to stay and other events to visit while travelling. We are not taking customers away from the claimant or anything of that nature because the people that visit our website are looking for substantially different services than the ones that claimant offers.

We are not claiming to be a part of the Olympic games team nor are we trying to deceive consumers into thinking we are. No reasonable person would ever visit our domain and think that the hotels and services we offer have anything to do with the Olympic games that happen to be taking place the same year in France. It is also very obvious that no reasonable person would ever think that what we offer is under the Olympic games organisation.

While it is true that we own a total of two subdomains that refer to the Olympic games, we use these subdomains to inform people visiting our page that not only is there a wide range of sport events that we, as a private company, offer, but the Olympic games are also taking place. If anything, we argue that we bring more business to the Olympic games by informing our customers about such an event.

We would like to emphasise that we are not exploiting the name of the Olympic games, as our domain is not olympicgames.com, we are simply a business that under the domain 2024.com offers their services and just to make it more convenient for our customers, we registered subdomains, i.e. not the main domain, that are meant to serve as

additional information on the events currently happening in the city of Paris. By doing so we are just separating the content of our website into multiple sections. We also use other subdomains that prove this intent, for example travel.2024.com or hotels.2024.com.

Number 2024 in particular is a fairly general term and number. To claim that one can own and have rights to the name of a country or city, which in itself is generic as well, and a number that is not of an incredibly specific nature, is just simply unfounded. Just because the Olympic games are taking place in the year 2024 and in Paris, does not mean the organisation behind the Olympic games owns such label. To claim otherwise would mean that nobody could ever use the designation 2024, Paris 2024 nor France 2024 ever again.

Additionally, it's pertinent to reference the WIPO case D2004-0455 between Advanced Micro Devices, Inc. (AMD) and BM Marketing. In this case, the panel ruled in favour of AMD, emphasising that trademark rights can be upheld even when a term is used generically in some contexts. However, the ruling also clarified that not all uses of a term infringe on trademark rights, particularly when the term in question is a common or general one. This case highlights that while trademark protection is important, it does not extend to overly broad claims on generic terms, supporting our position that "2024" and "Paris 2024" should remain accessible for general and commercial use without implying ownership by a single organisation.

- **Legitimate interests in respect of the domain name**

Under paragraph 4c(i) and (iii) of the UDRP, the Respondent can demonstrate that they have a legitimate interest in respect of the domain name 2024.com if (i) before any notice to them of the dispute, their use of the domain name is in connection with a bona fide offering of goods or services; or (iii) they are making a legitimate fair use of the domain name, without intention to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

- **Bona fide offering of services**

Here, the Respondent argues that they have a legitimate interest in respect of the domain name 2024.com as their use of 2024.com is in connection with a bona fide offering of services.

The Respondent specialises in event tourism and cooperates with foreign travel agents to organise trips to Paris and other cities in France. It is well recognised that a huge wave of tourists would be attracted to cities who host the Olympic Games during the game seasons.

By using relevant subdomains, for instance olympicgames.2024.com, the Respondent simply intended to take the opportunity to promote its services to the tourists who wish to visit Paris due to the Olympic Games. The Respondent has no intention in being perceived as officially associated with the Olympic Games. This is illustrated by the fact that they also used other subdomains that are irrelevant to the Olympic Games to attract consumers and promote their business, for instance, travel.2024.com and hotels.2024.com. Thus, the Respondent was using the domain name in connection with a bona fide offering of services and shall have a legitimate interest in respect of the domain name.

- **Tarnishing the trademark**

Here, the Respondent also argues that they have a legitimate interest in respect of the domain name 2024.com as they are making a legitimate fair use of the domain name, without intention to misleadingly divert consumers or to tarnish the trademark.

The Respondent has no intention to tarnish the trademark of Olympic Games. The business opportunities of the Respondent are, in some aspects, positively related to the reputation of the Olympic Games. Thus the Respondent simply has no reasons or motivations to tarnish the Complainant's trademarks. In response to the Complainant's claims, there is no evidence that suggests services provided by the Respondent and collaborating companies are not of competence. In contrast, the Respondent is a well recognised worldwide company with a renowned recognition in offering event tourism services. Thus it is unreasonable for the Complainant to claim the Respondent compromised their reputation.

Regarding the advertisements of escort and sexual services, it should be noted that those advertisements are of a contextual nature. Such a form of advertising displays advertisements based on either the context of the webpage or the search query entered by the user. Given that there is no relevant content displayed in the websites themselves, the Respondent could not be held responsible for the adult content in question since it has no control on what content would be displayed due to users' search query. Hence, the Complainant cannot claim that the Respondent intended to tarnish the trademark of Olympic Games. The Respondent is willing to put effort to ensure relevant advertisements will not be shown again on the website.

The Respondent also wants to put forward the fact that as the website does not allow space for confusion with official site of the Olympic Committee there is no risk of tarnishing the trademark. The respondent invested a significant amount of money to the web design and to a visual identity as such. The sites use significantly different colorways and graphical element distinguishing it from the design identity of Olympic games.

- **Misleading of the consumer**

We firmly defend ourselves against the accusations of misleading the consumer, which we consider unfounded and lacking any basis in our business practices. Our activities have always been characterised by a high level of transparency and clarity, with the aim of providing consumers with precise and reliable information. The accusations

made against us do not reflect the reality of the facts, and we are determined to demonstrate the correctness of our actions.

The descriptions of the services offered on our website have been drafted with the utmost clarity and detail, specifying that we deal with event tourism, including travel packages, accommodations, and cultural tours. We do not sell tickets or offer merchandising or other services directly related to the Olympic Games. Ticket and merchandise sales services are exclusively managed by the Olympic Committee. This clearly distinguishes our offer from that of the complainant, highlighting that our products and services have no correlation with those offered by the Olympic Committee.

The use of subdomains such as "events.2024.com" or "parisevents.2024.com" was done exclusively for organisational and informational purposes. These subdomains were created to facilitate navigation and the search for information on the various events and services offered, without any intention of suggesting an affiliation with the Olympic Games. Their purpose is solely to enhance the user experience.

These actions demonstrate our commitment to maintaining a clear separation between our services and any affiliation with the Olympic Games, fully complying with legal regulations and ensuring transparent and accurate communication with our users.

We are willing to take significant measures to ensure clarity and transparency regarding our independence from the Olympic Committee and the organisers of the Olympic Games. On all pages of our website potentially associated with the Olympic Games, we will include clearly visible non-affiliation statements. These statements will unequivocally specify that we are not affiliated with or sponsored by the Olympic Committee or the organisers of the Olympic Games. The statements will be prominently placed to ensure that all visitors are fully informed of our independence.

- **4. Bad faith**

The claimant claims that the respondent is using the 2024.com domain and its sub domains in bad faith. He argues that by using it the respondent is leveraging the reputation of the Complainant and deceiving the consumers for his own commercial gain even though the respondent is not affiliated with The Olympic Games in any way.

To address this we have to understand that the domain using a year or name of a country or others (such as "france.2024.com or travel.2024,...") is combining generic words that are directly linked with the legitimate business of the defendant. He operates in event tourism, therefore it is completely reasonable for him to register and manage a domain name that consists of a year as the nature of his business is seasonal. Also, the defendant is using the 2024.com domain for events other than The Olympic Games.

The affiliation with The Olympic Games also stems from the kind of defendant's business. Even though he is not connected to The Olympic Committee as an institution The Olympic Games are an event. Since the defendant provides event tourism it's reasonable for him to target events of this caliber. It is also important to mention that the websites also include numerous of informative blog posts about sports and The Olympic games.

The websites of the respondent have specific designs and use colors that ensure that the average user can't believe that the Olympic Commission is the domain's operator. At first glance, the site shows that it is an event tourism site set up by an independent private party. Therefore we have to conclude that the defendant is not trying to deceive users of the website to think that his services are provided by The Olympic Committee for his personal gain.

The claimant also claims that the defendant is advertising sexual practices. The defendant uses contextual ads on the website. Contextual advertisement is based on showing the user of the website advertisement based on his internet history. This limits the risk of children coming across such advertisements. The defendant is not influencing which advertisements are being shown and the gain from advertisement is not the main source of profit of the website.

Lastly, the claimant is putting forward that the defendant uses the domain names in question in bad faith because there has been a pattern of conduct in the past as the defendant also operates domain names such as 2021.com and wog.2021.com. In the defendant's opinion, there can not be a pattern of conduct as there was no conduct in the past. This all again ties to the registration of domain names consisting of generic words that are directly affiliated with defendant's business and with the content of the websites.

We are of the opinion that the Claimant failed to prove reasons for his claim of the domain name being used in bad faith as the defendant does have a legitimate interest in using them and there is no ground on which should be the domain name 2024.com transferred.

Response Signature Page

Case number: CAC-UDRP-106324

Covenants

Respondent hereby confirms that a copy of the Response has been sent or transmitted to the Complainant in accordance with § 2 (b) of the Rules for Uniform Domain Name Dispute Resolution Policy.

Statements

Respondent certifies that the information contained in this Response is to the best of Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

List of Annexes:

Response signer

TYPE IN A NAME OF A NATURAL PERSON AUTHORIZED TO FILE THIS RESPONSE ON BEHALF OF A LEGAL ENTITY SEEKING THE FILING OF THE RESPONSE. IF YOU ARE NOT AUTHORIZED, YOU SHOULD NOT FILE THIS FORM.



RESPONSE SIGNER Adam Smith jr.