# Decision for dispute CAC-UDRP-108545

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| Case number | CAC-UDRP-108545 |
| Time of filing | 2026-04-01 08:01:45 |
| Domain names | wailbi.com |

## Case administrator

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| Organization | Iveta Špiclová (Czech Arbitration Court) (Case admin) |

## Complainant

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| Organization | CDA BRANDS |

## Complainant representative

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| Organization | NAMESHIELD S.A.S. |

## Respondent

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| Organization | Atty. James W. Sherby |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

It results from the Complainant's documented allegations, which remained undisputed, that it is the owner - amongst others - of the following trademarks for <WALIBI>:

- European trademark registration no. 006012942 (verbal) registered on 4 March 2008 for goods and services in classes 16, 18, 24, 25, 28, 30, 32, 41;
- International trademark registration no. 1035991 (verbal) registered on 15 February 2010 for goods and services in classes 8, 24, 35, 39, 41, 43, 45 and designating France, Germany and Spain;
- International trademark registration no. 555217 (figurative) registered on 23 May 1990 for goods and services in classes 3, 8, 9,12, 14, 16, 18, 20, 21, 22, 24, 24, 26, 28, 30, 32, 41, 42 and designating France, Germany and Spain.

FACTUAL BACKGROUND

1. The Complainant operates in the leisure sector, including the largest ski resorts in the French Alps, as well as other leisure destinations across Europe. In particular, it operates three leisure parks under the WALIBI brand.

2. The Respondent registered the disputed domain name on 23 March 2026. The domain name resolves to a parking page containing commercial pay-per-click (PPC) links related, among other things, to the Complainant's core business, i.e. travel,

vacations, and holidays.

## PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

No administratively compliant Response has been filed.

## RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

## NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

## BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

## PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

## PRINCIPAL REASONS FOR THE DECISION

1.

The Panel finds that the disputed domain name <wailbi.com> is confusingly similar to the Complainant’s trademark.

As a matter of fact, it reflects the Complainant’s trademark <WALIBI> almost identically, merely inverting the letters “i” and "l" in the middle of the sign. The Panel considers this obvious misspelling as not being sufficient to render the disputed domain name dissimilar to Complainant’s registered trademark, which, in the Panel's view, remains clearly recognizable within the disputed domain name.

2.

In the absence of any Response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Complainant successfully presented a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

In particular, it results from the Complainant's undisputed allegations and evidence that the Respondent is not affiliated with nor authorized by the Complainant in any way, and he is not related in any way to the Complainant’s business. Moreover, the Respondent has not demonstrated any preparations to use the disputed domain name - which currently resolves to a parling page - in connection with any bona fide offering goods or services. Finally, the Panel has not been presented any evidence that could lead the Panel to the conclusion that the Respondent is commonly known by the disputed domain name or that he has acquired trademark rights. In particular, the Respondent is not identified in the Whois database under the disputed domain name.

3.

The Panel finds that the disputed domain name has been registered and is being used in bad faith.

While looking at the totality of the circumstances of the case, the Panel particularly considers the following documented factors - which have not been contested by the Respondent - to be relevant in reaching the conclusion that the Respondent was aware that he had 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:

(1) The disputed domain name contains the Complainant's trademark <WALIBI> almost identically but with a mere typo. The Panel holds that the use of such misspelling is intended to confuse the users and therefore indicates bad faith. This result is confirmed by previous panels (see CAC Case no. 100740 <ARCELORNNITTAL.COM>).;

(2) The Complainant's trademarks existed for more than 35 years;

(3) The disputed domain name resolves to a parking page with commercial PPC-links related, among other things, to the Complainant's core business, i.e. travel, vacations, and holidays. Therefore, the Panel holds that the Respondent has registered and is using the disputed domain name in order to intentionally attempt to attract, for commercial gain, Internet users to a web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of his web site (para. 4(b)(iv) of the Policy);

(4) The fact that the disputed domain name almost identically includes the Complainant's trademark and that the PPC-links refer to the Complainant's core business suggests the Respondent’s awareness of the Complainant's trademark and business;

(5) The Respondent failed to submit a response or to provide any evidence of actual or contemplated good-faith use or rights/legitimate interests;

(6) The implausibility of any good faith use to which the disputed domain name, containing the Complainant's trademark almost identically, may be put.

In the light of the above, the Panel finds that the Complainant has established all three elements of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **wailbi.com**: Transferred

## PANELLISTS

| Name | **Tobias Malte Müller** |
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DATE OF PANEL DECISION 2026-05-19

Publish the Decision