

## **ADMINISTRATIVE PANEL DECISION**

Le Duff Industries v. Forrest Bailey  
Case No. D2022-4697

### **1. The Parties**

The Complainant is Le Duff Industries, France, represented by Scan Avocats AARPI, France.

The named registrant of the disputed domain name is Privacy Protection of United States of America (“USA”). For the reasons set out below, the Panel has determined that the proper Respondent is Forrest Bailey, USA.

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

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

### **3. Procedural History**

The Complaint was originally filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 7, 2022. On December 8, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 8, 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, Privacy Protection, and contact information in the Complaint. The Center sent an email communication to the Complainant on December 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 December 15, 2022. Hereafter references to the Complaint are to the original Complaint as amended.

The Center 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 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 December 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 9, 2023. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on January 12, 2023.

The Center appointed Philip N. Argy as the sole panelist in this matter on February 8, 2023. 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.

All other administrative requirements appear to have been satisfied.

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

In the absence of a Response the following facts, taken from the Complaint and/or the evidence accompanying it, remain uncontested.

The Complainant (formerly known as Bridor Holding) is a world leader in bakery manufacturing and bread production under various BRIDOR trademarks the first of which was filed in France in June 1987 (French trademark registration No. 1416167 dated June 19, 1987) and with an international word mark filed a year later (International trademark registration No. 524007 dated June 27, 1988). The Complainant has become the supplier for well-known customers in the hotel and restaurant business, amusement parks such as Disneyland Paris, Eurostar, and airlines. Furthermore, since 2011, the Complainant has been associated with the renowned cooking contest known as the Bocuse d'Or.

The corporate group to which the Complainant belongs has over 1,958 restaurants and bakeries in 80 countries worldwide and serves over 1 million customers daily.

The BRIDOR brand represents 44% of the Complainant's global turnover. It has today 10 production sites in 100 countries and employs more than 2,500 people.

Through its official website at "www.bridor.com" (registered in March 1998) the Complainant has used its BRIDOR trademarks to promote its activities for many years and they are widely used worldwide and are consequently well known to the public. The Complainant is also the registrant of BRIDOR domain names in the ".fr," ".eu" and ".us" country code Top-Level Domains.

The Disputed Domain Name was registered on January 2, 2022, and redirects to a website at "www.dan.com" where the Disputed Domain Name is offered for sale.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complaint is based on the three grounds set out in the Policy, namely, that the Disputed Domain Name is identical to the BRIDOR trademark in which the Complainant has rights; that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and that the Disputed Domain Name was registered and is being used in bad faith.

In support of the first ground, the Complainant notes that the Disputed Domain Name consists of its trademark BRIDOR without any other element. The ".xyz" generic Top-Level Domain ("gTLD") is a technical addition that is disregarded in any analysis under the first limb of the Policy except in rare circumstances where it may have some role to play on the question of confusing similarity. (See section 1.11.1 of the [WIPO Overview 3.0](#)). On that basis the Disputed Domain Name is identical, or at least confusingly similar, to the Complainant's registered trademark BRIDOR.

In relation to the second limb of the Policy the Complainant asserts that the Respondent is not currently and has never been known under the name "Bridor". It is not in any way related to the Complainant and does not carry out any activity or have any business association with the Complainant. Nor has the Respondent been licensed, contracted or otherwise permitted by the Complainant in any way to use the BRIDOR trademark.

In relation to the third limb of the Policy the Complainant submits that it is highly likely that the Respondent knew of the existence of the Complainant's intellectual property rights considering that they had been in use since 1987 being some 35 years prior to the date on which the Disputed Domain Name was registered by the Respondent. Furthermore, at that time a search using the Google search engine would have returned results all of which related to the Complainant and its business. The Complainant then submits that the notoriety of its trademark is such that a "*prima facie* presumption is raised that the respondent registered the domain name for the purpose of selling it to Complainant or one of its competitors" (see for example *Arthur Guinness Son & Co. v. Steel Vertigogo*, WIPO Case No. [D2001-0020](#)). Furthermore, the Complainant submits that the registration and use of a domain name comprising a famous or well-known trademark by someone with no connection with the trademark suggests opportunistic bad faith (see *Sanofi-aventis, Aventis Inc. v. Hostmaster, Domain Park Limited*, WIPO Case No. [D2007-1641](#)) especially where, as here, the word "bridor" is an arbitrary word created by the Complainant and is not a common word in French or English (see *Le Duff Industries v. liuwenqi*, WIPO Case No. [DCO2018-0031](#) – a recent case in which the Complainant successfully made the same argument in respect of the domain name <bridor.co>).

In addition to the foregoing submissions in support of its contention that the Disputed Domain Name was registered in bad faith the Complainant contends that the Respondent is also using the Disputed Domain Name in bad faith. In support of that contention it notes that the Disputed Domain Name resolves to a page advising that the domain name is for sale which, according to the Complainant, reveals that the Respondent has never intended to use it in good faith but has been willing, from the beginning, to resell it and make profit out of it.

## **B. Respondent**

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

## **6. Discussion and Findings**

Despite the absence of a Response the onus remains on the Complainant to make out each of the grounds of the Policy and these are dealt with sequentially below.

### **A. Identical or Confusingly Similar**

The evidence is conclusive that the Complainant has been the registered proprietor of BRIDOR trademarks in multiple jurisdictions since as early as 1987, which is sufficient for the Panel to conclude that BRIDOR is a trademark in which the Complainant has rights. Furthermore, since the Disputed Domain Name comprises no other element except for the ".xyz" gTLD, which is to be ignored, the Panel finds the Disputed Domain Name to be identical to the Complainant's BRIDOR trademark.

### **B. Rights or Legitimate Interests**

In the absence of a Response there appears to be no conceivable explanation for the Respondent to be using the Complainant's trademark as the Disputed Domain Name. As the Complainant submitted, the Respondent has not been authorized to use the BRIDOR trademark, is not known by that name, and does not appear to have ever used it for any commercial purpose. Moreover, the Panel finds that the composition of the Disputed Domain Name carries a high risk of implied affiliation. The Panel is satisfied that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

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

In the context of the Complainant having used its BRIDOR trademark for some 35 years before the Disputed Domain Name was registered by the Respondent, and in the absence of a Response, the conclusion that the Disputed Domain Name was registered by the Respondent in bad faith is inescapable. Furthermore, given that the only webpages to which it resolves have advertised the Disputed Domain Name as being for sale,

there is no evidence that could support the Respondent's resort to any safe harbor in the Policy. It does indeed appear to the Panel to be a completely opportunistic registration and a bad faith use and the Panel so finds.

## **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, <bridor.xyz>, be transferred to the Complainant.

*/Philip N. Argy/*

**Philip N. Argy**

Sole Panelist

Date: February 22, 2023