

## ADMINISTRATIVE PANEL DECISION

Accor v. Repossessed by Go Daddy  
Case No. D2024-2831

### 1. The Parties

The Complainant is Accor, France, represented by Dreyfus & associés, France.

The Respondent is Repossessed by Go Daddy, United States of America (“United States”).

### 2. The Domain Name and Registrar

The disputed domain name <accorbooking.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 11, 2024. On July 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 12, 2024, 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 (Domains By Proxy, LLC) and contact information in the Complaint. On July 15, 2024, the Center sent a possible settlement email informing Complainant that the Registrar was willing to hand over the domain to the Complainant via an approved settlement, because the disputed domain name has been repossessed. On July 17, 2024, the Complainant refused to suspend the proceeding as proposed.

The Center sent an email communication to the Complainant on July 17, 2024, 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 July 18, 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 the Respondent of the Complaint, and the proceedings commenced on July 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2024. Aside from an email communication on July 12, 2024, the

Respondent did not submit any formal response. Accordingly, the Center notified the Commencement of Panel Appointment Process on August 9, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on August 15, 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**

The Complainant is a global hotel operator headquartered in France. Its group contains hotel chains including Fairmont, Raffles, Swissôtel, Sofitel, Novotel, Ibis, and others. The Complainant operates approximately 5,600 hotels in 110 countries worldwide, offering a total of over 822,000 hotel rooms.

The Complainant is the owner of numerous registrations for the trademark ACCOR in various jurisdictions around the world. Those trademarks include, for example:

- International trademark registration number 480492 for the word mark ACCOR, registered on November 10, 1983, in International Classes 16, 39, and 42; and
- United States trademark registration number 6071729 for a figurative mark A ACCOR and a logo, registered on June 9, 2020, in International Classes 35, 36, 39 and 43

The Complainant has operated a website at “www.accor.com” since approximately 1998.

The disputed domain name was registered on June 6, 2024.

The Complainant provides evidence that, on June 10, 2024, the disputed domain name resolved to website primarily in the Chinese language, but including the footer “Copyright © 2024 Accor Hotel. All Rights Reserved”. The Complainant submits (and the Respondent does not dispute) that the website was fraudulent in nature and impersonated the Complainant.

Following a blocking request from the Complainant’s representative, the disputed domain name was shown to be under “client hold” status.

#### **5. Parties’ Contentions**

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

The Complainant submits that each of the elements required under the Policy or the transfer of the disputed domain name are satisfied. It contends, in particular, that the disputed domain name is identical or confusingly similar to a 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 has been used in bad faith. The Complainant makes detailed submissions in respect of each of these matters, but in the light of the Panel’s determination below, it is unnecessary to recite these submissions in full.

The Complainant request the transfer of the disputed domain name.

##### **B. Respondent**

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

## 6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the 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.

The Respondent in this matter is Repossessed by GoDaddy. On July 15, 2024, the Center notified the Complainant as follows:

“This is to inform you that the Center has been advised by GoDaddy.com, LLC, the concerned Registrar in the above referenced proceeding, that they are willing to hand over the domain to the complainant via an approved settlement.”

The Center invited the Complainant to enter into a 30-day suspension of the proceeding to enable any such settlement to be implemented.

On July 17, the Complainant responded to the Center as follows:

“Complainant would not like to suspend the complaint for a 30 days period.

Please acknowledge safe receipt of our request and resume the UDRP proceeding.”

As provided by section 4.10 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)):

“Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the “standard settlement process” described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis).

In some cases, despite such respondent consent, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. Scenarios in which a panel may find it appropriate to do so include (i) where the panel finds a broader interest in recording a substantive decision on the merits – notably recalling UDRP paragraph 4(b)(ii) discussing a pattern of bad faith conduct, (ii) where while consenting to the requested remedy the respondent has expressly disclaimed any bad faith, (iii) where the complainant has not agreed to accept such consent and has expressed a preference for a recorded decision, (iv) where there is ambiguity as to the scope of the respondent’s consent, or (v) where the panel wishes to be certain that the complainant has shown that it possesses relevant trademark rights.”

In this case, the Panel considers that the Respondent has given its consent on the record for the transfer of the disputed domain name. Therefore, the Panel exercises its discretion and finds it appropriate to rely on the stated consent by the Respondent to order a transfer of the disputed domain name.

The Panel additionally notes, for the record, its findings that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, and that the previous registrant of the disputed domain name (prior to the Respondent Repossessed by GoDaddy) had no rights or legitimate interests in the disputed domain name, and that that registrant registered and has used the disputed domain name in bad faith.

## 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 <accorbooking.com> be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier/**

Sole Panelist

Date: September 1, 2024