

ADMINISTRATIVE PANEL DECISION

B&B HOTELS v. CA tech-dd trust.LCD, Catech-dd-truest
Case No. D2024-3983

1. The Parties

The Complainant is B&B HOTELS, France, represented by Fiducial Legal By Lamy, France.

The Respondent is CA tech-dd trust.LCD, Catech-dd-truest, Canada.

2. The Domain Name and Registrar

The disputed domain name <bestbb-exclusivehotel.com> is registered with Alibaba.com Singapore E-Commerce Private Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 27, 2024. On September 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 8, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on October 8, 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 October 10, 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 October 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 31, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 4, 2024.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on November 7, 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 following facts are undisputed.

The Complainant is French company incorporated in 1990. The Complainant offers services of hotels, restaurants, temporary accommodation, and related booking services. The Complainant operates more than 800 hotels worldwide, in France, Germany, Italy, Spain, Portugal, Belgium, Switzerland, Poland, Austria, Slovenia, Czech Republic and Brazil. The Complainant operates 432 hotels in France and has reached one of the top positions on the French market of budget hotels.

For over 30 years, the Complainant has used and continues to use its name B&B HOTELS. The Complainant has invested substantially in the development of its services, marketing and advertising of its brand and therefore has registered numerous trademarks and domain names.

The Complainant is the owner of several trademarks composed of the elements “BB” and “HOTEL”, such as but not limited to the following registrations for the B&B mark:

- The European Union Trade Mark registration B&B Hotels (figurative), with number 004767323, and with a registration date of December 12, 2006 for services in class 43;
- The French trademark registration BB-HOTEL (word mark), with registration number 3182313 and with a registration date of August 29, 2002 for services in class 43;
- The French trademark registration BBHOTEL (word mark), with registration number 3182311 and with a registration date of August 29, 2002 for services in class 43; and
- The International trademark registration B&B Hotels (figurative), with registration number 1706735 and with a registration date of September 29, 2022 for goods and services in classes 9, 35, 38, 41, 42 and 43 designating inter alia the European Union, the United Kingdom, and the United States of America.

The abovementioned trademark registrations will hereinafter in singular also be referred to as the “B&B mark”.

The Complainant also registered multiple domain names of which <hotel-bb.com> resolves to its official website (the “official website”). The official website features general information about the Complainant and its services and advertises different travel destinations, but also allows Internet users to book and manage hotel room reservations around the world.

All mentioned trademark and domain name registrations predate the registration of the disputed domain name on July 29, 2024. The disputed domain name does not resolve to an active website anymore. Before, the disputed domain name resolved to a website directing to a login page displaying the figurative B&B mark as it is used and registered by the Complainant. On September 20, 2024, a criminal complaint was filed by the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends the following.

The Complainant is considered as a well-known hotel chain operating in inter alia France and Europe. The Complainant has reached the top position on the French market of budget hotels with a turnover of more than EUR 220 million in 2021. The Complainant has developed a global name-recognition and goodwill.

The Complainant has continuously used the B&B mark since at least 1990 and used its official website in commerce since 1998.

The disputed domain name is confusingly similar to the B&B mark. The disputed domain name incorporates the B&B mark in its entirety, with the mere addition of the descriptive words “best” and “exclusive” and the generic Top-Level Domain (“gTLD”) “.com”. The addition of the descriptive terms does not make the disputed domain name any less confusingly similar to the B&B mark. Moreover, it should be noted that an ampersand (“&”) cannot be included in a domain name.

The Respondent has no rights or legitimate interests in the disputed domain name. Notably, there is no evidence that the Respondent is commonly known by the disputed domain name. Also, the Complainant has not authorized, by license or otherwise, the Respondent to register and/or use the disputed domain name. Further, the Respondent’s action in connection with the disputed domain name cannot be considered a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.

The Respondent has engaged in bad faith. The Respondent was aware of the existence of the Complainant and the Complainant’s trademark. It depicted the Complainant’s figurative B&B mark on the website to which the disputed domain name resolved. The Respondent has used the disputed domain name to benefit from the Complainant’s reputation and mislead Internet’s users. The Respondent used the disputed domain name for phishing and scamming, with the intent to attract Internet users for commercial gain or to defraud them by redirecting them to third-party websites for the purpose of stealing money.

Additionally, the Respondent already extorted money from third parties out of this. The disputed domain name already has been reported by third parties to have been a victim of a scam.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name or is at least recognizable in the disputed domain name. The Panel takes into account that an ampersand (“&”) cannot be reflected in a domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here “best” and “exclusive” may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity here, claimed phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. The targeting of the Complainant is beyond any doubt given the use of the Complainant’s figurative B&B mark on the impersonating login page to which the disputed domain name resolved earlier.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The disputed domain name was used to host an impersonating login page for phishing. The Panel finds that the Respondent’s registration and use of the disputed domain name in such a manner demonstrates registration and use in bad faith, because the Respondent has intentionally attempted to impersonate the Complainant in order to gather sensitive login details from unsuspecting Internet users.

In the present case, the Panel notes that the Complainant and its activities are clearly known to the Respondent and the Respondent has sought to benefit himself with the Complainant’s success. The Panel finds that, certainly lacking any reply, any bona fide use of the disputed domain name is implausible under the circumstances for this proceeding.

Panels have held that the use of a domain name for illegal activity here, claimed phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

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 <bestbb-exclusivehotel.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: November 12, 2024