

ADMINISTRATIVE PANEL DECISION

B&B Hotels v. king Yeotan, Zion Prayer International Ministry
Case No. D2022-4803

1. The Parties

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

The Respondent is king Yeotan, Zion Prayer International Ministry, United States of America.

2. The Domain Name and Registrar

The disputed domain name <bbhotelbooking.com> (the “Domain Name”) 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 December 14, 2022. On December 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 16, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 19, 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 20, 2022.

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 January 4, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 24, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 26, 2023.

The Center appointed Jeremy Speres as the sole panelist in this matter on January 31, 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.

4. Factual Background

The Complainant is a French company that has traded under the B&B HOTELS mark since 1990, offering hotels, restaurants, temporary accommodation and related booking services in numerous European countries and Brazil. The Complainant's B&B HOTELS mark, as well as variations of the mark have been recognised as being well-known by numerous prior UDRP panels (*e.g.*, *B&B Hotels v. Registration Private, Domains By Proxy, LLC, DomainsByProxy.com / Anthony Thomas-Chambers, 1962*, WIPO Case No. [D2021-2511](#)).

The Complainant owns trade mark registrations for its B&B HOTELS mark, as well as the abovementioned variations, in numerous jurisdictions including:

- French trade mark registration No. 3182311, bbhotel (word), in class 43 with registration date February 14, 2003; and
- European Union Trade Mark registration No. 004767323, B&B HOTELS & logo, in class 43 with registration date December 12, 2006.

The Domain Name was registered on July 20, 2022, and resolves to a website featuring pay-per-click ("PPC") advertisements offering hotel bookings that compete with the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its well-known B&B HOTELS and variation marks, that the Respondent has no rights or legitimate interests in the Domain Name, and the Domain Name was registered and used in bad faith given that it has been used for PPC advertisements which compete with the Complainant for the Respondent's commercial gain.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant's registered bbhotel mark is wholly contained within the Domain Name as its first element with only the term "booking" added.

Where a domain name incorporates the entirety of a trade mark, the domain name will normally be considered confusingly similar to that mark (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) at section 1.7).

The Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant's un rebutted evidence establishes that its B&B HOTELS mark, and the abovementioned variations, were registered and known for many years prior to registration of the Domain Name. The Domain Name is confusingly similar to the Complainant's marks and the Complainant has certified that the Domain Name is unauthorised by it.

Use of a domain name to host PPC links does not represent a *bona fide* offering where such links compete with or capitalise on the reputation of the complainant's mark, as in this case ([WIPO Overview 3.0](#) at section 2.9). The Respondent has not explained why it chose the Domain Name. Given what is stated below in relation to bad faith, the likelihood is that the Respondent intended to take advantage of the Complainant's trade mark for its own commercial gain, which cannot confer rights or legitimate interests.

There is thus no evidence that any of the circumstances set out in paragraph 4(c) of the Policy pertain, nor any others which may confer rights or legitimate interests on the Respondent. The Complainant has satisfied paragraph 4(a)(ii) of the Policy by virtue of having made out an un rebutted *prima facie* case ([WIPO Overview 3.0](#) at section 2.1).

C. Registered and Used in Bad Faith

The Domain Name has been used to advertise services relating to and competitive with those of the Complainant, which is a clear indicator of targeting for commercial gain under paragraph 4(b)(iv) of the Policy. See *Dr. Martens International Trading GmbH, Dr. Maertens Marketing GmbH v. Private Whois Service*, WIPO Case No. [D2011-1753](#). Although the advertisements may be served programmatically by a third party, the Respondent cannot disclaim responsibility for them ([WIPO Overview 3.0](#) at section 3.5).

The Panel moreover notes that a Google search for the first and dominant part of the Domain Name (and the Complainant's registered mark) – "bbhotel" – reveals results overwhelmingly relating to the Complainant. The addition to that mark of a word related to the Complainant's business – "booking" – is a clear indicator of targeting of the Complainant ([WIPO Overview 3.0](#) at section 3.2.1). Given the composition of the Domain Name, *i.e.*, the combination of the terms "bb" and "hotel" and "booking" the inference is clear that this is the case.

The Panel moreover draws an adverse inference from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for ([WIPO Overview 3.0](#) at section 4.3). The Respondent apparently supplied incomplete or false address details in the Whois record for the Domain Name; the Center's courier indicated that a "bad address" was supplied and that the Center's written notice of the proceeding could not be delivered to the Respondent. In the circumstances of this case, this suggests an attempt by the Respondent to evade pursuit (*Kabushiki Kaisha Raibudoa v. Kubota, A*, WIPO Case No. [D2001-0817](#)).

The Complainant has satisfied paragraph 4(a)(iii) 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 Domain Name, <bbhotelbooking.com>, be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: February 14, 2023