

## **ADMINISTRATIVE PANEL DECISION**

B&B Hotels v. nancy crevello, shy aviation  
Case No. D2025-0499

### **1. The Parties**

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

The Respondent is nancy crevello, shy aviation, United States of America.

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

The disputed domain name <hotelbb.club> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 7, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 11, 2025, 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 February 12, 2025.

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 February 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 7, 2025.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on March 12, 2025. 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 incorporated in 1990. The Complainant offers services of hotels, restaurants, temporary accommodation and booking services on the Internet, through approximately 860 hotels worldwide in more than 10 countries. The Complainant owns several trademark registrations around the world, including (among others):

Trademark	Registration No.	Jurisdiction	Date of Registration	Class
B&B HOTELS 	004767323	European Union	December 12, 2006	Class 43.
B&B HOTELS 	3394439	France	November 29, 2005	Class 43.
BB-HOTEL	3182313	France	August 29, 2002	Class 43.
BBHOTEL	3182311	France	August 29, 2002	Class 43.
HOTELBB	3182312	France	August 29, 2002	Class 43.
HOTEL BB	487526	Portugal	November 2, 2011	Class 43.

The Complainant owns the domain names <hotelbb.com>, <hotel-bb.com>, <hotelbb.food>, <hotelbb.living>, <aparthotelbb.com>, <b-and-b-hotel.com>, and <b-and-b-hotels.com>, among others, which resolve to the Complainant's official websites.

The disputed domain name was registered on November 13, 2024, and it resolved to a parked website with pay-per-click ("PPC") links.

#### 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:

##### I. Identical or Confusingly Similar

That the Complainant owns several trademark registrations for its B&B HOTELS trademarks and that such registrations are prima facie evidence of validity, which creates a presumption that the trademarks are distinctive, and that the Complainant has enforceable rights relating thereto (and cites *Tyson Foods, Inc. v. Work Institute, workinstitutetof*, WIPO Case No. [D2020-1951](#)).

That the Complainant also has rights over the “B&B Hotels” term as a commercial name and shop sign, which have been used since 1990. That the Complainant also has rights over the domain names referred to above (see Factual Background *supra*).

That the Complainant has been successful in previous UDRP complaints recently filed (and cites *B&B HOTELS v. Frankie Melowski*, WIPO Case No. [D2024-4562](#); *B&B HOTELS v. Catech-dd-truest, CA tech-dd trust.LCD, dxcdx,lcd, dxcdx,lcd, ROJUST, Oldisc.LCD*, WIPO Case No. [D2024-4501](#); *B&B Hotels v. Catech-dd-truest, CA tech-dd trust.LCD*, WIPO Case No. [D2024-3977](#); *B&B Hotels v. Domain Privacy, Domain Name Privacy Inc.*, WIPO Case No. [DCO2024-0060](#); *B & B Hotels v. CPUBG*, WIPO Case No. [D2024-3614](#); *B & B Hotels v. 20 hai, 上海*, WIPO Case No. [D2024-3115](#); *B & B Hotels v. 22 wd, jhgadshjhjdshjhjkjk*, WIPO Case No. [D2024-3254](#); *B&B HOTELS v. Krasimir Georgiev, TSENTRAL FORUM OOD*, WIPO Case No. [D2024-1234](#); *B&B Hotels v. niu bin fu*, WIPO Case No. [D2024-1274](#); among others).

That the disputed domain name is confusingly similar to the Complainant’s BBHOTEL, BB-HOTEL and HOTELBB trademarks and domain names.

That the disputed domain name is also confusingly similar to the Complainant’s B&B HOTEL and B&B HOTELS trademarks.

That the figurative elements in the Complainant’s B&B HOTELS trademarks should be disregarded for purposes of assessing confusing similarity between the Complainant’s B&B HOTELS trademarks and the disputed domain name (and cites *IOTA Foundation v. Privacy Service provided by Withheld for Privacy ehf / Super Green*, WIPO Case No. [DIO2022-0001](#)).

That the confusing similarity between a semi-figurative trademark and a domain name is to be judged according to the dominant textual elements of the relevant trademark (and cites *Ibrahim Dabes v. Pang Jin Jin*, WIPO Case No. [D2019-1343](#); and WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition [[“WIPO Overview 3.0”](#)]). That therefore, the assessment of confusing similarity in the present case should be conducted by comparing the disputed domain name to the word part of the Complainant’s B&B HOTELS trademarks.

That it is not possible to reproduce the symbol “&” in domain names and that the presence of such symbol in the Complainant’s B&B HOTELS trademarks is irrelevant when assessing confusing similarity. That the Complainant removed said ampersand sign from its own domain name registrations associated to its B&B HOTELS trademarks (and cites *COFRA Holding [C&A] v. Domains By Proxy, LLC / Wenyan Hu*, WIPO Case No. [D2020-1716](#)).

That in the present case, the ampersand sign should be disregarded and not invoked to try to avoid a finding of similarity between the disputed domain name and the Complainant’s B&B HOTELS trademarks (and cites *Ropes & Gray LLP v. Contact Privacy Inc. Customer 1248870845 / Barry Nicholson*, WIPO Case No. [D2021-0011](#); and *H & M Hennes & Mauritz AB v. Simon Maufe, Akinsanya Odunayo Emmanuel and Nelson Rivaldo*, WIPO Case No. [D2014-0225](#)).

That the generic top-level domain (“gTLD”) “.club” in the disputed domain name cannot be taken into consideration in the assessment of similarity between the disputed domain name and the Complainant’s B&B HOTELS trademarks (and cites *Lidl Stiftung & Co. KG v. Privacy service provided by Withheld for Privacy ehf / Resay Fessouy*, WIPO Case No. [D2021-1063](#)).

That the disputed domain name consists solely of the Complainant’s famous mark in its entirety, which is identical to the Complainant’s HOTELBB trademarks and to the Complainant’s domain names <hotelbb.com>, <hotelbb.fr>, <hotelbb.food> and <hotelbb.living>.

That the incorporation of a trademark in its entirety is sufficient to establish that the disputed domain name is identical or confusingly similar to the Complainant’s trademarks (and cites *FLRish IP, LLC v. Makaylawoodson Lawoodson*, WIPO Case No. [D2023-3231](#)).

That the likelihood of confusion is higher because the Complainant's B&B HOTELS trademarks are famous in relation to its hotel chain in France and Europe.

## II. Rights or Legitimate Interests

That the Respondent does not have any rights or legitimate interests to the disputed domain name because (1) the disputed domain name redirected to a parking page with links to sites relating to hotel reservation services, (2) there is no available information regarding the Respondent's name, or in relation to any association of said Respondent with the names "Hotelbb" or "Hotel Bb Club", and that the Respondent is not currently and has never been offering goods or services under such names, and that even when searching for the Respondent online, the results show the Complainant's websites and activities, (3) the Complainant has not licensed or authorized the Respondent to use its trademarks, (4) the Complainant has never allowed the Respondent to register or use the disputed domain name, and (5) the Respondent has not provided any evidence of legitimate use or demonstrable preparations to use the disputed domain name in connection with bona fide offering of goods or services, rather, that the Respondent has not used the disputed domain name for a legitimate activity because the disputed domain name has been used to redirect to a parking page.

That the Respondent is not known for using, being the owner of, or exploiting in any way the sign "hotelbb.club".

That the fact that the disputed domain name was linked to a parking page shows that the Respondent has no bona fide intention to use it.

That the disputed domain name has only been used to benefit from the Complainant's brand reputation and to mislead Internet users to think that they have reached the Complainant's official website, to gain Internet traffic.

## III. Registered and Used in Bad Faith

The Complainant considers that the Respondent was aware of the existence of the Complainant's B&B HOTELS trademarks at the time of registering the disputed domain name in bad faith considering: (1) that the date of registration of the disputed domain name is posterior to the date of registration and use of the Complainant's trademarks, (2) that the Complainant's B&B HOTELS trademarks are well known and famous in France and Europe (and cites *Khadi & Village Industries Commission v. Uttam Rao, Global Media Corp*, WIPO Case No. [D2020-2934](#), *Valentino S.p.A. v. Withheld for Privacy Purposes, Privacy Service Provided by Withheld for Privacy ehf / Golden Goose, Thegoldengoose*, WIPO Case No. [D2021-2742](#); *Sodexo v. Domain Privacy, Above.com Domain Privacy*, WIPO Case No. [D2021-0592](#)), (3) that the Respondent clearly has no legitimate interest in the disputed domain name as the Respondent does not intend to use it for a bona fide offering of goods or services, but to attract users for commercial gain to third party websites by creating a likelihood of confusion with the Complainant's trademarks (and cites *Whitehall Specialties, Inc. v. Registration Private, Domains By Proxy, LLC, Perfect Privacy, LLC, WhoisGuard Protected, WhoisGuard, Inc. / Lindsey Gartner, Stefan Freter, Nick Bahnweg*, WIPO Case No. [D2021-0716](#)), (4) that it is not possible to conceive of a plausible circumstance under which the Respondent could legitimately use the disputed domain name (and cites *Arcelormittal [SA] v. Renata Paola Cardona Ulin*, WIPO Case No. [D2023-1441](#)), (5) that online search results show that the Respondent has not carried out any activity linked to the sign "hotelbb.club", (6) that the Respondent clearly registered the disputed domain name without intention to use it, rather, that the disputed domain name was registered and used to redirect to a parking page with hotel reservation links, and that the Respondent had the Complainant's prior rights in mind and wanted to take advantage of the Complainant while registering and using the disputed domain name, and (7) that the Respondent is taking commercial advantage of the Internet traffic coming to the website links made available on the parking page to which the disputed domain name resolved, and that it is clear that customers can be attracted to the disputed domain name, considering the similarity between it and the Complainant's trademarks.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets out the three requirements that the Complainant must prove in order to successfully request remedies:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark to which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in connection to the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Given the Respondent's default and therefore, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this proceeding based on the Complainant's undisputed factual allegations under paragraphs 5(f), 14(a), and 15(a) of the Rules (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#); *Encyclopaedia Britannica, Inc. v. null John Zuccarini, Country Walk*, WIPO Case No. [D2002-0487](#); see also [WIPO Overview 3.0](#), section 4.3).

### **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of its HOTELBB trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name entirely reproduces the Complainant's HOTELBB trademarks. It is also well established that the addition of a gTLD ".club" is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the disputed domain name is identical to the Complainant's HOTELBB trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 that 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. Specifically, the Respondent has failed to submit evidence of bona fide or legitimate noncommercial or fair use of the disputed domain name. No evidence was provided either in connection with the Respondent being commonly known by the disputed domain name.

The Panel notes that the disputed domain name has been used to resolve to a website with PPC links to related activities of the Complainant. Therefore, no rights or legitimate interests can be found in favor of the Respondent. [WIPO Overview 3.0](#), section 2.9.

Therefore, 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.

The Complainant has ascertained its rights over its B&B HOTELS and HOTELBB trademarks. The dates of registration of said trademarks significantly precede the date of registration of the disputed domain name. Additionally, the Panel agrees with decisions rendered by previous panels in the sense that the Complainant's trademarks are famous. Previous panels appointed under the Policy have found that the mere registration of a domain name that is identical or confusingly similar to a famous trademark by an unaffiliated entity can in itself create a presumption of bad faith. [WIPO Overview 3.0](#), Section 3.1.4. This is so in the present case because the Complainant's B&B HOTELS and HOTELBB trademarks are well known and extensively used worldwide.

In the present case, the Panel notes that the fact that the Respondent registered the disputed domain name which entirely reproduces the Complainant's HOTELBB trademarks, shows that the Respondent has targeted the Complainant, which constitutes opportunistic bad faith (see [WIPO Overview 3.0](#), section 3.2.1).

The Panel also notes that the disputed domain name has resolved to a parked website comprising PPC links to competing websites. Therefore, this Panel considers that the Respondent has tried to capitalize on the reputation and goodwill of the Complainant by misleading Internet users, for commercial gain, to the website to which the disputed domain name has resolved (and the websites to which the PPC links have redirected) by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of said websites, which constitutes bad faith under paragraph 4(b)(iv) of the Policy (see [WIPO Overview 3.0](#), section 3.1.4; see also *Ustream.TV, Inc. v. Vertical Axis, Inc.*, WIPO Case No. [D2008-0598](#)). "The Respondent's use of the disputed domain name for a PPC parking page constitutes bad faith use because the Respondent is attracting Internet users to its website by causing confusion as to whether its website is, or is associated with, the Complainant or its services. This conduct disrupts the Complainant's business by diverting consumers away from the Complainant's website. The diversion is for the Respondent's commercial gain because the Respondent receives PPC revenue from those visitors to its website who click through to the advertising on the site. Thus, the Respondent's conduct constitutes classic bad faith registration and use under paragraph 4(b)(iv) of the Policy [...]"

Based on the available record, 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 <hotelbb.club> be transferred to the Complainant.

*/Kiyoshi Tsuru/*

**Kiyoshi Tsuru**

Sole Panelist

Date: March 26, 2025