

ADMINISTRATIVE PANEL DECISION

B&B Hotels v. Domain Admin
Case No. D2023-3998

1. The Parties

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

The Respondent is Domain Admin, United Kingdom.¹

2. The Domain Name and Registrar

The disputed domain name <managerhotelbb.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 September 25, 2023. On September 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 26, 2023, 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 (To the owner of the domain name: Managerhotelbb.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 2, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment. The Complainant filed an amended Complaint on October 5, 2023.

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 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 30, 2023.

¹ The Panel notes that according to the information disclosed by the Registrar, “Domain Admin” corresponds to the “Registrant Name”, while no name was provided for the field “Registrant Organization”.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 3, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant offers services of hotels, restaurants, temporary accommodations, and related booking services through the brand B&B HOTELS. It has done so since 1990. The Complainant has more than 700 hotels worldwide, over 1000 employees and more than 280 million euros in turnover in 2019.

The Complainant holds several trademarks composed of “BB” and “HOTEL” in various jurisdictions, such as the French trademark HOTELBB registration number 023182312, and the French trademark BBHOTEL registration number 023182311 (both filed on August 29, 2002). It holds several domain name registrations, such as <hotelbb.com>, <hotelbb.eu> and <hotelbb.fr>, all registered in the period 2001-2006.

The Domain Name was registered on April 19, 2018. It has resolved to a parking page with hotel reservations 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 Domain Name. Notably, the Complainant contends that the Complainant's trademarks are famous for hotels in Europe. The addition of the word “manager” in the Domain Name does not change the visual, phonetic and conceptual similarity.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent is not commonly known by the Domain Name, has not used or prepared to use the Domain Name in connection with a *bona fide* offering of goods or services, and has not been authorized, licensed, or otherwise permitted to register and/or use the Domain Name. The Respondent has used the Domain Name to resolve to a parking page with links to hotel reservation. Such use is not *bona fide*.

The Complainant argues that the Respondent must have been aware of the Complainant's trademark when the Respondent registered the Domain Name. The Complainant's trademark rights have accrued fame. The Complainant argues that the Respondent's sole intention is to attract, for commercial gain, Internet users to third party's web sites, by creating a likelihood of confusion with the Complainant's mark. The Complainant cannot conceive a plausible circumstance in which the Respondent could use the Domain Name. Finally, the Respondent is familiar with the registration of domain names close to existing rights. It owns more than 154 domain names, some cybersquatting on well-known trademarks (e.g., <fortnite.us> and <yahaha.us>).

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

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.

Based on the available record, the Complainant has established that it has rights in trademarks composed of the elements “BB” and “HOTEL”. The Domain Name reproduces the Complainant’s trademark with “manager” in front. The addition does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain, see [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. If the respondent fails to come forward with such evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1. Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the 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. The Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Respondent’s use of the Domain Name is rather evidence of bad faith, see below.

Based on the available record, 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.

In the present case, the Panel notes the fame of the Complainant’s trademark, and the composition and use of the Domain Name. It makes it probable that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Name. Based on the casefile, including the use of the Domain Name, it appears that the Respondent has tried to create a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement. Moreover, the Respondent appears to be involved in a pattern of bad faith registrations.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of 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 the Domain Name <managerhotelbb.com> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: November 14, 2023