

ADMINISTRATIVE PANEL DECISION

Le Duff Industries v. Brian Roland, Bridol LTD, and Amber Nerad, Zephyr
Case No. D2024-5145

1. The Parties

The Complainant is Le Duff Industries, France, represented by Scan Avocats AARPI, France.

The Respondents are Brian Roland, Bridol LTD, United Kingdom, and Amber Nerad, Zephyr, United States of America ("United States").

2. The Domain Names and Registrar

The disputed domain names <bridorinc.com> and <bridor-usa.com> are registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 13, 2024. On December 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 13, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names 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 December 18, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on December 19, 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 Respondents of the Complaint, and the proceedings commenced on December 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 20, 2025. One of the Respondents sent an email communication on January 16, 2025, requesting an extension of the due date for filing a Response, which was granted. However, the Respondent did not submit any response. Accordingly, the Center commenced the panel appointment process on January 21, 2025.

The Center appointed Marilena Comanescu as the sole panelist in this matter on January 28, 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, Le Duff Industries (formerly named Bridor Holding), is one of the world leaders in bakery manufacturing and bread production acting under the trademarks BRIDOR. The Complainant belongs to the Groupe Le Duff that has over 1,550 restaurants and bakeries in 100 countries worldwide, developing its activity both in France and abroad through its various restaurant brands, among which include Bridor, Brioche Dorée, Del Arte, La Madeleine, etc. The BRIDOR brand represents 65% of the Complainant's global turnover.

The Complainant owns a worldwide trademark portfolio for or including BRIDOR, such as the following:

- the French trademark registration number 87/1416167 for BRIDOR (word), registered on December 11, 1987, covering goods and services in International classes 30 and 43;
- the United States trademark registration number 1531105 for BRIDOR (word), registered on March 21, 1989, covering goods in International class 30; and
- the International trademark registration number 524007 for BRIDOR (word), registered on June 27, 1988, and covering goods and services in International classes 30 and 42.

The Complainant holds domain names incorporating the BRIDOR mark, such as <bridor.com> registered on March 26, 1998, <bridor.fr> registered on June 7, 1999, or <bridor.eu> registered on April 9, 2006.

The disputed domain name <bridorinc.com> was registered on September 12, 2024, and, the disputed domain name <bridor-usa.com> was registered on September 30, 2024.

At the time of filing of the Complaint, both disputed domain names were used to resolve to websites listing pay-per-click ("PPC") pages with sponsored links related to the Complainant's field of activity.

According to evidence annexed to the Complaint, Mail exchange ("MX") servers have been configured at the disputed domain names and thus, the disputed domain names may be actively used for email purposes.

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 names.

Notably, the Complainant contends that the trademark BRIDOR is widely used in commerce since 1987 and it is worldwide well-known to the public; the disputed domain names are confusingly similar to its trademark

and domain names because they incorporate the BRIDOR trademark in its entirety with the addition of the hyphen, the acronym “USA” or the abbreviation “INC”; the Respondents have no rights or legitimate interests in the disputed domain names; the disputed domain names have been registered in bad faith, many years after the Complainant started to use its BRIDOR mark in commerce, and long after the registration of its marks and domain names; the word “bridor” is not a common word in French, English or Spanish, being an arbitrary word created by the Complainant; the Respondents are using the disputed domain names in bad faith, to resolve to parking pages displaying PPC links related to the Complainant’s field of activity; MX servers have been configured with respect to the disputed domain names which suggest that there may be a risk that the Respondents are engaged in a phishing scheme; for all these, the Respondents seem to have registered the disputed domain names to confuse the Internet users.

B. Respondents

Except for the communication sent on January 16, 2025, to the Center, by one of the Respondents requesting an extension of the due date for Response (which was granted), the Respondents did not submit a formal Response.

6. Discussion and Findings

6.1. Preliminary Procedural Issue: Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different disputed domain name registrants. The Complainant alleges that the disputed domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant’s request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant’s request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names: (i) were created in a similar manner, incorporating the Complainant’s trademark BRIDOR, and non-distinctive elements, a hyphen and the geographic acronym “USA” from the “United States”, respectively the term “inc” deriving from “Incorporation”; (ii) were registered within a span of 18 days from each other; (iii) are registered with the same Registrar, use the same privacy service, share an identical IP address, and MX servers are activated for both; (iv) are used to resolve to pages displaying PPC links related to the Complainant’s field of activity; (v) share a pattern of similarities such as the contact email address structure and the names/surnames of the identified registrants which do not correspond to the details given in the email addresses; and (vi) the Respondents have not objected to the consolidation claims made by the Complainant despite the communications sent by the Center to them.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

6.2. Substantive Issue: Three Elements

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed domain names are 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 the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

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 names. [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 Panel finds the mark BRIDOR is recognizable within each of the disputed domain names. Accordingly, each of the disputed domain names is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms, here "usa" and "inc", respectively the hyphen, 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 names 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Respondent used the disputed domain names in connection with PPC pages promoting various goods and services related to the Complainant's industry and, in this regard, panels have held that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the Complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

The Panel notes that the composition of the disputed domain names itself carries a risk of implied affiliation given that the Complainant's distinctive trademark has been combined with the geographical descriptor "usa" designating the United States, or the generic term "inc", deriving from "Incorporation".

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 that the disputed domain names were registered in bad faith, with knowledge of the Complainant and its trademark particularly because the Complainant's trademark predates the registration of the disputed domain names by more than 35 years, has acquired international reputation in its industry and the composition of the disputed domain names itself, comprising the BRIDOR trademark, followed by the terms "usa" deriving from the "United States" and "inc", from "incorporated".

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.

At the time of filing the Complaint, the disputed domain names resolved to pages providing PPC links promoting goods and services related to the Complainant's field of activity.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

The Respondent was using without permission the Complainant's trademark, reproduced with terms, in order to get traffic on its web portals and to misleadingly divert Internet users to third parties' websites, and thus to potentially obtain commercial gain from the false impression created with regard to a potential affiliation or connection with the Complainant.

Further, the Panel holds that the Respondent's failure to provide a response in order to put forward any arguments in its favor (in this case, the Respondent requested and obtained a deadline extension to submit such response), and the configuration of MX records, constitute, in the circumstances of this case, further evidence of bad faith. [WIPO Overview 3.0](#), section 3.3.

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 names <bridorinc.com> and <bridor-usa.com> be transferred to the Complainant.

/Marilena Comanescu /

Marilena Comanescu

Sole Panelist

Date: February 11, 2025