

## ADMINISTRATIVE PANEL DECISION

B&B HOTELS v. Dincer UYGUR, Plus4web Internet Teknolojileri Ltd Sti.  
Case No. D2024-5178

### 1. The Parties

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

Respondent is Dincer UYGUR, Plus4web Internet Teknolojileri Ltd Sti., Türkiye.

### 2. The Domain Name and Registrar

The disputed domain name <bbbutikhotel.com> (the “Domain Name”) is registered with One.com A/S (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 17, 2024. On December 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 18, 2024, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email to Complainant on December 18, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 23, 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 Respondent of the Complaint, and the proceedings commenced on January 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 23, 2025. Respondent sent an email to the Center on January 4, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on January 31, 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**

According to the Complaint:

“The Complainant is the well-known French company B&B HOTELS (Société par actions simplifiée) incorporated on May 28, 1990 and registered in the French Registry of Commerce [...] Its famous name B&B HOTELS has been used as a brand, a commercial name and a shop sign since as early as 1990. Since that date, the Complainant has been offering services of hotels, restaurants, temporary accommodations and related booking services, including through the Internet, to a wide range of customers. There are more than 860 hotels worldwide in France, Germany, Italy, Spain, Portugal, Belgium, Switzerland, Poland, Austria, Slovenia, Czech Republic and Brazil and 432 hotels are operating in France. [...]”

“Through its use, the Complainant has reached the top position on the French market of budget hotels with a turnover of more than 220 million euros in 2021. Over the thirty years since B&B HOTELS has been used, the Complainant has invested substantially in the development of its services, marketing and advertising of its brand. In order to proactively protect and market B&B HOTELS trademark on the Internet, the complainant registered many domain names, as early as 1998, consisting in the elements ‘BB’ and ‘HOTEL’ combined (with or without hyphens), either under the format ‘BB-HOTEL(S)’ or ‘HOTEL(S)-BB’.”

Complainant owns numerous domain names containing “BB” or “B&B” and “hotel” or “hotels,” and some of these domain names redirect to Complainant’s main commercial website at the domain name <hotel-bb.com>.

Complainant holds numerous trademark registrations in various jurisdictions, including: French Reg. No. 3182311 for the mark BBHOTEL, registered on August 29, 2002; French Reg. No. 3182313 for the mark BB-HOTEL, registered on August 29, 2002; and European Union Trade Mark No. 004767323 for the mark B&B HOTELS, registered on December 12, 2006.

The Domain Name was registered on February 10, 2024. The Domain Name does not resolve to an active website. As of January 3, 2025, the Domain Name resolved to a largely blank web page which stated that the Domain Name was available for USD 500 and provided an email address for a prospective buyer to use.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

##### **B. Respondent**

Respondent did not reply to Complainant’s contentions. Respondent’s only statement in this proceeding is its January 4, 2025 email to the Center:

“You have done research on me without my permission. First of all, I am replying to your message late due to health problems. I learned that domain names regarding bbbutikhotel were unfairly collected (TO USURP) free of charge. I need 15 days to protect my legal rights and provide counter-information on this matter. My health is bad and my treatment continues. I am giving the necessary warning. You can only stay in touch via my email [redacted].”

## 6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is 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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7

The Panel concludes that Complainant has rights in the trademark BBHOTEL through registration and use demonstrated in the record. The Panel also concludes that the Domain Name is confusingly similar to that mark. The Domain Name contains BBHOTEL and interposes the descriptive word "butik", meaning boutique in Turkish, between the BB and the HOTEL. The Panel concludes that the mark is recognizable within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

### B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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 often primarily within the knowledge or control of the respondent. Thus, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production 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.

Here, in the Panel's view, Complainant has made out a prima facie case that Respondent lacks rights or legitimate interests vis-à-vis the Domain Name. From the undisputed record, Complainant's BBHOTEL mark has been extensively used for years to identify and distinguish Complainant's hotel services. Respondent has not come forward to articulate any legitimate basis for registering the Domain Name and has not refuted any of Complainant's allegations or disputed any of Complainant's evidence.

The only evidence of Respondent's motives vis-à-vis the Domain Name is the fact that it was, for a time, listed for sale at USD 500, which amount appears clearly to exceed the out-of-pocket costs associated with the Domain Name. In this case, such conduct does not invest Respondent with a legitimate interest in the Domain Name. Respondent had an opportunity to explain its motivations for registering and using the disputed domain name, but no evidence or explanation has been received from the Respondent as of the date of the Decision.

Complainant has established Policy paragraph 4(a)(ii).

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes, on this undisputed record and on a balance of probabilities, that Respondent more likely than not registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section.

On this undisputed, albeit lean, record, the Panel concludes that Respondent more likely than not had Complainant's BBHOTEL mark in mind when registering the Domain Name, and that Respondent tried to sell the Domain Name for a considerable profit. Such conduct constitutes bad faith registration and use of the Domain Name within the meaning of the above-quoted Policy paragraph 4(b)(i).

Complainant has established Policy paragraph 4(a)(iii).

### **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 <bbbutikhotel.com> be transferred to Complainant.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: February 13, 2025