

ADMINISTRATIVE PANEL DECISION

LE BYBLOS v. Michael Francis

Case No. D2025-0978

1. The Parties

The Complainant is LE BYBLOS, France, represented by CABINET LAVOIX, France.

The Respondent is Michael Francis, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <byblos.website> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 11, 2025. On March 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 12, 2025, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 12, 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 March 14, 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 March 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 7, 2025.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on April 10, 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 established in the year 1967 which exploits the Hotel Byblos in Saint-Tropez since May 27, 1967, as well as the nightclub Les Caves du Roy.

The Complainant operates different websites such as <byblos.com>, <byblos.eu>, <byblos.fr>, <lebyblos.com>, <hotelbyblos.com>, and <byblos-shop.com>; being the <byblos-shop.com> specifically used for a website selling the merchandise of its HOTEL BYBLOS for goods such as bags, travel tags, candles, clothing, phone cases (Annex 12 to the Amended Complaint).

The Complainant is the owner of several trademark registrations for BYBLOS and HOTEL BYBLOS (Annexes 7.1 and 7.2 to the Amended Complaint), amongst which:

- France trademark registration No. 1522685 for the word mark BYBLOS, registered on September 15, 1989, successively renewed, in classes 14, 16, 20, 21, 27, 28, 35, 36, 37, 38, 40, 41, 42, 43, 44, and 45;
- International trademark registration No. 369759 for the word mark BYBLOS, registered on July 10, 1970, successively renewed, in classes 12, 13, 14, 15, 16, 20, 21, 27, 28, 35, 36, 37, 38, 39, 40, 41, and 42; and
- European Union trademark registration No. 000646042 for the word mark BYBLOS, registered on August 20, 1999, successively renewed, in class 42.

The disputed domain name was registered on July 14, 2024, and resolves to an active webpage reproducing the contents of the “byblos-shop.com” webpage, purportedly offering “exclusive products”.

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 asserts that it has been using its BYBLOS trademark for several decades, having it become known worldwide for designating a palace hotel located in Saint-Tropez on the French Riviera as well as goods and services relating thereto.

The Complainant submits that the disputed domain name reproduces entirely the Complainant's BYBLOS trademark, creating a likelihood of confusion with the Complainant's trademark.

Furthermore, the Respondent is using the disputed domain name in connection with an entire reproduction of the Complainant's website available at “byblos-shop.com” (Annex 12 to the Amended Complaint), purportedly offering for sale products infringing the Complainant's trademarks, undoubtedly creating an undue association and likelihood of confusion.

Regarding the absence of the Respondent's rights or legitimate interests, the Complainant argues that:

- i. the Respondent is not a licensee of the Complainant, nor is it authorized to use the Complainant's trademark, trade and company name and domain names;
- ii. the Respondent does not own any trademark identical or similar to the disputed domain name (Annexes 15 and 19 to the Amended Complaint);
- iii. the Respondent has not been commonly known by the disputed domain name;
- iv. there is no plausible explanation for the Respondent's registration of the disputed domain name;
- v. the Complainant has never licensed or in any way authorized the Respondent to register or use its BLUM trademark as a domain name; and
- vi. by using the disputed domain name in connection with the offer of the counterfeit products, the Respondent is making an unfair commercial use of the disputed domain name.

Lastly, the Complainant submits that the disputed domain name was registered and is being using in bad faith and with the fraudulent intent to lure Internet users into the belief that the Respondent is, or is affiliated with, the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

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

The Complainants must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark 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.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent who has not been commonly known by the disputed domain name and is neither authorized, licensed, or been allowed to use the Complainants’ trademark, whether in the disputed domain name, or in any other way.

Also, the lack of evidence as to any trademarks registered by the Respondent corresponding to the disputed domain name, corroborates the indication of an absence of rights or legitimate interests in the disputed domain name.

Moreover, according to the evidence submitted by the Complainant, the reproduction of the Complainant’s official offer and likely offer of counterfeit products at the website available at the disputed domain name does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name in these circumstances.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

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.

This case presents the following circumstances which indicate under the balance of probabilities bad faith registration and use of the disputed domain name:

- a) the composition of the disputed domain name reproducing the Complainant’s trademark (previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4);
- b) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain name;
- c) the Respondent’s choice to retain a privacy protection service to conceal its identity; and
- d) the Respondent used the disputed domain name to offer likely counterfeit goods, reproducing entirely one of the Complainant’s official websites.

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 <byblos.website> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: April 24, 2025