

## **ADMINISTRATIVE PANEL DECISION**

**B&B HOTELS v. jian wei su, su jian wei**  
**Case No. D2025-1179**

### **1. The Parties**

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

The Respondent is jian wei su, su jian wei, China.

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

The disputed domain name <hotelbbs.com> is registered with Active Market Domains LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2025. On March 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 21, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 April 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2025. The Respondent sent an email communication to the Center including its response on April 8, 2025.

The Center appointed William F. Hamilton as the sole panelist in this matter on May 6, 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 well-known French company that has been offering management and related services for hotels, restaurants, and temporary accommodations since 1990. The Complainant operates more than 860 hotels worldwide.

The Complainant also owns several trademarks composed of the elements “bb” and “hotel” in various order, including but not limited to the French trademark No. 3182311 for BBHOTEL registered on August 29, 2002, for Class 43, and French trademark No. 3182312 for HOTELBB, also registered on August 29, 2002 for Class 43. These registered marks will be collectively referred to as “the Marks” (Annex 7.1 to the Complaint).

The Complainant owns domain names incorporating BBHOTEL, such as <bbhotel.eu> registered on July 7, 2011, <bbhotels.com> registered on October 18, 2022, <hotelbb.com> registered on October 17, 2011; and <bb-hotels.com> registered on September 20, 2022.

The disputed domain name was registered on July 4, 2024. It resolves to a webpage indicating the disputed domain name is for sale.

The Complainant sent a cease and desist letter to the Registrar on January 29, 2025, by email and by registered letter (Annex 8 to the Complaint).

#### **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 that the disputed domain name is confusingly similar to the Marks because the disputed domain name incorporates the two prominent elements of the Mark, namely “bb” and “hotels”, to form the disputed domain name. The Complainant contends that the Respondent is not known by the disputed domain name, has not conducted any bona fide business under the disputed domain name, and has no rights or interests in the disputed domain name. The Complainant asserts that the disputed domain name was registered and used in bad faith because the disputed domain name confusingly adopts the prominent elements of its famous Marks and is merely being used as an inactive website disrupting the Complainant’s business.

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

By email to the Center on April 8, 2025, the Respondent asserted that the disputed domain name is not confusingly similar to the Marks because the abbreviation “bbs” is a common abbreviation for “Bulletin Board Service,” and that a domain name composed of generic terms does not cause customer confusion. The Respondent further asserts that the abbreviation “bbs” is substantially different from BB. The Respondent claims a legitimate interest in the disputed domain name because it consists of two generic terms. Finally, the Respondent asserts that the Complainant’s submission to the Center lacks a proper evidentiary foundation and was submitted to mislead the Panel. The Respondent seeks a finding of Reverse Domain Name Hijacking, asserting that the Complaint was brought in bad faith to deprive the Respondent of the disputed domain name.

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (i) the disputed domain name is 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 respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

The Panel has reviewed the Complaint, the Response, and supporting documentation. For the reasons below, the Panel concludes that the Complainant has satisfied each of the three elements required under paragraph 4(a) of the Policy.

### 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 disputed domain name adopts the two prominent elements of the Marks, namely BB and HOTEL. [WIPO Overview 3.0](#), section 1.7. The Panel finds the mark is recognizable within the disputed domain name. While the addition of the letter "s" to HOTELBB may bear on the assessment of the second and third elements, the Panel finds the addition of such letter does not prevent a finding of confusing similarity between the disputed domain name and the Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. *B&B HOTELS v. Frankie Melowskie*, WIPO Case No. [D2024-4562](#).

The Respondent asserts that the disputed domain name is not confusingly similar to the Complainant's Mark because it is composed of two generic terms, "hotel" and the abbreviation "bbs." Confusing similarity is determined by comparing the disputed domain name to the Complainant's registered Marks. Whether the disputed domain name contains two generic terms is irrelevant under the first element. The test is whether there is confusing similarity, which is present here. The Respondent cites *Marriott International, Inc. v. Thomas, Burstein and Millar*, WIPO Case No. [D2000-0610](#), to support its position. However, that case is inapposite. *Marriott International, Inc. v. Thomas, Burstein and Millar* involved the domain name <marriottreward.com> and the panel determined that there was a confusing similarity between the complainant's mark and the disputed domain name.

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 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. Mere passive holding of the disputed domain name, absent any demonstrable preparations to use it in connection with a bona fide offering of goods or services, does not confer rights or legitimate interests.

The Respondent asserts that it has rights and legitimate interests in the disputed domain name because it contains two generic terms.

Finally, the Panel finds the Respondent's assertion that it chose to include the abbreviation "bbs" in the disputed domain name not credible. According to the Respondent, "bbs" is an abbreviation of "Bulletin Board Service." A "BBS", however, is "a computer server running software that allows users to connect to the system using a terminal program" according to Wikipedia. While "bbs" may be a known abbreviation for "Bulletin Board System," the Respondent has failed to explain why it chose this unusual combination of terms and registered the disputed domain name. Noting also the fact that the disputed domain name is offered for sale and the Complainant is the owner of a similar domain name <hotel-bb.com>, the Panel concludes that, based on the evidence presented, the Respondent's explanation for the origin of the abbreviation "bbs" is more likely than not pretextual.

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

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

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the 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 the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line 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.

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.

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.

The Respondent is attempting to sell the disputed domain name. The Panel concludes that the Respondent registered the disputed domain name in bad faith, knowing of the existence of the Complainant and the Marks, with the intent to sell the disputed domain name to the Complainant or a third party, to disrupt the Complainant's business, or to ultimately confuse and attract for commercial purposes Internet users to its website. See paragraph 4(b)(i), (iii), and (iv) of the Policy.

The Respondent cites *Sutherland Institute v. Continuative LLC*, WIPO Case No. [D2009-0693](#), to support its assertion that panels have "consistently held that the registration of a generic term does not constitute bad faith." However, the Respondent's claim is erroneous. *Sutherland Institute LLC v. Continuative LLC* involved a claim of political speech under the United States Constitution. The case specifically recited: "There is no evidence to suggest that Respondent registered the disputed domain name for the purposes of selling it to Complainant or a third-party." In contrast to *Sutherland Institute LLC v. Continuative LLC*, this case does not involve protected political speech and the Respondent has attempted to sell the disputed domain name.

The Respondent also challenges the Complainant's evidence of bad faith by asserting that the screenshots provided by the Complainant are not notarized or properly authenticated. However, UDRP proceedings are not court proceedings with strict evidentiary hurdles. Complainants and respondents routinely submit screenshots and PDF images as annexes in UDRP proceedings. Submitted materials are not disregarded due to lack of attestation. Such a rule would unduly burden UDRP proceedings. Of course, a questionable submission may be contested in a response. The Respondent asserts that the screenshot of a Google search submitted by the Complainant is misleading but fails to specify how and why it is misleading. The evidentiary burden in this proceeding merely requires the Complainant to establish each of the elements by a preponderance of the evidence. The Panel has considered the screenshot and given it the weight it deserves. [WIPO Overview 3.0](#), section 4.2.

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 <hotelbbs.com> be transferred to the Complainant.

*/William F. Hamilton/*

**William F. Hamilton**

Sole Panelist

Date: May 19, 2025