

## **ADMINISTRATIVE PANEL DECISION**

**B&B HOTELS v. yanghao yi**  
**Case No. D2025-1196**

### **1. The Parties**

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

The Respondent is yanghao yi, China.

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

The disputed domain name <hotel-bbs.com> is registered with Realtime Register B.V. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 24, 2025. On March 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 25, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 26, 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 28, 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 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 21, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on April 29, 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, B&B HOTELS, is a company registered in the French Registry of Commerce on May 28, 1990. The Complainant offers hotel, restaurant, temporary accommodation, and booking services. The Complainant operates more than 860 hotels in Europe and Brazil.

The record shows that the Complainant owns several registered word, semi-figurative and figurative trademarks composed of elements “BB”, “B&B”, “HOTEL” or “HOTELS”, including the following:

- the French trademark registration No. 3182311 for BBHOTEL, registered on August 29, 2002, for services in class 43;
- the French trademark registration No. 3182312 for HOTELBB, registered on August 29, 2002, for services in class 43;
- the European Union trademark registration No. 004767323 for B & B HOTELS (semi-figurative mark), registered on December 12, 2006, for services in class 43.

The record also shows that the Complainant owns international trademark registrations designating China, where the Respondent is located, including the international trademark registration No. 1706735 for B&B HOTELS (figurative mark), registered on September 29, 2022, for goods and services in classes 9, 35, 38, 41, 42, and 43.

The Complainant notes that it owns several domain names incorporating its BBHOTEL or HOTELBB trademarks, such as the domain names <hotelbb.com> registered on October 17, 2011; <hotel-bb.eu> registered on July 7, 2011; <bbhotel.eu> registered on July 7, 2011.

The disputed domain name was registered on May 22, 2024, and it does not resolve to an active website.

#### 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 it is a well-known French company and its famous business name, B&B HOTELS, has been used as a brand, a commercial name, and a shop sign since as early as 1990. The disputed domain name was created well after the Complainant has obtained registration and acquired reputation under the said trademarks. The Complainant's contentions regarding the three elements under the Policy can be summarized as follows.

Firstly, the Complainant asserts that the disputed domain name is confusingly similar to its prior trademark rights and domain names. The only addition of the letter “s” after its trademark is a typical typosquatting behavior, which creates an overall impression of similarity.

Secondly, the Complainant contends that the Respondent does not have rights or legitimate interests in respect of the disputed domain name. In this regard, the Complainant, inter alia, submits that the disputed domain name is currently inactive; the Respondent is not and has never been known under the name “Hotel BBS”; the Respondent is not currently and has never been offering any goods or services under that name; the Complainant has not licensed or authorized the Respondent in any way to use its trademarks; the Respondent has not provided any evidence of legitimate use of, or demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. The Complainant also relies on its online searches and notes that the Respondent is not known for using, being the owner or exploiting in any way the sign “hotel-bbs.com”; nothing demonstrates any legitimate interest to use such sign; the Respondent's knowledge of its fraudulent actions are clearly established since the disputed domain

name reproduces exactly the Complainant's prior rights; the passive use of the disputed domain name shows that the Respondent has no bona fide intention of using it; and, the disputed domain name is only used to mislead Internet users and to gain Internet traffic.

Thirdly, the Complainant affirms that the disputed domain name was registered and is being used in bad faith. In this regard, the Complainant notes the dates of use and registration of its trademarks, that B&B HOTELS is a widely used and well-known mark, and a famous hotel chain in France and Europe. Therefore, the Complainant submits that the Respondent was aware of the Complainant's trademark rights at the time of registration. In addition, the Complainant asserts that the Respondent's sole intention is an attempt to attract, for commercial gain, or to defraud Internet users to third-party websites or other online locations, by creating a likelihood of confusion with the Complainant's trademark. It is not possible to conceive a plausible circumstance in which the Respondent could legitimately use the disputed domain name. The Complainant adds that the non-use of the disputed domain name, associated with its composition that is almost identical to the Complainant's trademark, clearly establishes that the use of the disputed domain name is being made in bad faith to take advantage of the Complainant. Finally, the Complainant claims that the Respondent is taking commercial advantage of the Internet traffic coming to its website thanks to the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 Panel finds the HOTELBB mark (as it is the case for the other cited trademarks) is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, a hyphen and the letter "s", 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 name 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 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.

In particular, the Panel finds that the Complainant has established a prima facie case by asserting that it never licensed or authorized the Respondent to use its trademarks. In addition, there is no evidence in the available record that might suggest that the Respondent is commonly known by the disputed domain name. Finally, considering the Respondent's failure to submit a response and the passive holding of the disputed domain name, the Panel finds that there is no evidence which might establish that the disputed domain name is being used (or demonstrable plans for such use) in connection with a bona fide offering of goods or services, or the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

Accordingly, 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.

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.

In the present case, the Panel notes the following: the Complainant's registered trademarks predate the registration of the disputed domain name; the Complainant's B&B HOTELS trademark is also protected in China, where the Respondent is located; the disputed domain name is almost identical with the Complainant's HOTELBB trademark and its domain names with the minor additions of a hyphen and the letter "s". The Panel also considers the Complainant's reputation in the hotel industry. Therefore, and on the balance of probabilities, the Panel finds that the Respondent must have been aware of the Complainant's trademarks at the time of registration of the disputed domain name.

In addition, as stated above, the disputed domain name is passively held.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel particularly notes the reputation of the Complainant's trademark in the hotel industry, the composition of the disputed domain name, the Respondent's failure to submit a response, and the implausibility of any good faith use to which the disputed domain name may be put that would not suggest a connection with the Complainant's trademarks or business in the hotel industry. Accordingly, the Panel finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Based on the available record, the Panel finds that the disputed domain name was registered and is being used in bad faith. Consequently, 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 <hotel-bbs.com> be transferred to the Complainant.

*/Mehmet Polat Kalafatoglu/*

**Mehmet Polat Kalafatoglu**

Sole Panelist

Date: May 13, 2025