

## ADMINISTRATIVE PANEL DECISION

Montres Breguet SA v. 海宁一毛网络有限公司  
(hainingyimaowangluoyouxiangongsi)  
Case No. D2025-1409

### 1. The Parties

The Complainant is Montres Breguet SA, Switzerland, represented by The Swatch Group AG, Switzerland.

The Respondent is 海宁一毛网络有限公司 (hainingyimaowangluoyouxiangongsi), China.

### 2. The Domain Name and Registrar

The disputed domain name <montresbreguet.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on April 7, 2025. On April 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 9, 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) and contact information in the Complaint. The Respondent sent an email communication in Chinese to the Center on April 9, 2025. The Center sent an email communication to the Complainant on April 14, 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 in English on April 16, 2025.

On April 14, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On April 16, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's language submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on April 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2025. The Respondent did not file any formal response. The Center informed the Parties that it would proceed to panel appointment on May 16, 2025.

The Center appointed Douglas Clark as the sole panelist in this matter on May 22, 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's history commenced in 1775. The Complainant was acquired by The Swatch Group Ltd in 1999 and remains to be an internationally known stakeholder in today's watch industry.

The Complainant is the owner of numerous trademark registrations in the United States of America, Hong Kong, China and internationally, including but not limited to those listed below.

Trademark	Jurisdiction	Registration Number	Registration Date	Goods (IC Class)
BREGUET	International	230825	April 16, 1960	9, and 14
BREGUET	Hong Kong, China	19862380	April 1, 1986	14
BREGUET	International	566731	January 22, 1991	9, and 14
BREGUET	United States of America	3042405	January 10, 2006	14
BREGUET + stylized clock hands	China	G877071	January 31, 2016	9, 14, 16, 18, and 25

The Respondent is based in China. The Respondent registered the disputed domain name <montresbreguet.com> on February 26, 2022.

At the time of filing of the Complaint the disputed domain name did not resolve to an active website. The Respondent sent an email in Chinese after the filing of the Complaint stating that the disputed domain name belonged to the Respondent and it could be sold for 500USDT (equivalent to USD 500).

#### 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:

- a) The disputed domain name is confusing similar to the Complainant's trademarks in which the Complainant has rights.
- b) The Respondent has no rights or legitimate interests in respect of the disputed domain name.
- c) The disputed domain name was registered and is being used in bad faith.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions, save for his email communication to the Center on April 9, 2025 stating that he owns the disputed domain name and is willing to sell it for "500USDT".

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Respondent has registered the disputed domain name after the Complainant has prevailed in an earlier complaint (*Montres Breguet SA v. 李明娇 (Ming Jiao Li)*, WIPO Case No. [D2021-0539](#)), so it would not be fair or equitable to require it to go to the unnecessary time and expense of translating its pleadings into another language.

The Respondent did not make any specific submissions with respect to the language of the proceeding or comment on the Complainant's request for the language of the proceeding be English, but sent an email communication in Chinese.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### **6.2 Substantive Issues**

#### **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 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term here, "montres", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

The term “montres” means “watches” in French. The disputed domain name also corresponds to the Complainant’s company name. The Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. There are no signs that the Respondent has been commonly known by the disputed domain name, and the Respondent is not in any way related to the Complainant or its business activities nor has the Complainant granted a license or authorised the Respondent to use its trademarks or apply for registration of the disputed domain name.

At the time the Complainant filed its Complaint, the disputed domain name does not resolve into any active website. Therefore, there is no sign of any permissible, fair or non-commercial use of the disputed domain name.

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.

By registering the disputed domain name which is a mere combination of the Complainant’s products and its trademarks and also corresponds to the Complainant’s company name, the Respondent is depriving the Complainant of reflecting its marks in the generic Top-Level Domain (gTLD) “.com”, the most popular gTLD.

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 offer by the Respondent to sell the disputed domain name for 500USDT (which is about USD 500) indicates that the Respondent registered the disputed domain name primarily for the purpose of selling the domain name registration to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of out-of-pocket costs directly related to the disputed domain name. The Panel

considers that the costs of registering a domain name are far less than 500USDT.

Further, 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 notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and 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.

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 <montresbreguet.com> be transferred to the Complainant.

*/Douglas Clark/*

**Douglas Clark**

Sole Panelist

Date: June 11, 2025